

A N X
A N S W E R

T O

Mr. W. A. D.'s Letter to G. H.

I N W H I C H

The Conduct of Government, in mitigating the penal Laws against PAPISTS, is justified :

The Seditious Tendency of W. A. D.'s Letter is discovered :

The ROMAN CATHOLICS fully vindicated from the slanderous Accusation of thinking it lawful to break Faith with Heretics, which W. A. D. attempts to fix upon them : And,

W. A. D.'s Letter proved to be a gross Imposition on the Public, composed of Misrepresentations and False Reasoning, from beginning to end.

Putting away lying, speak every man truth with his neighbour,

Ephes. iv. 25.

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ADVERTISEMENT.

ON the 18th. of August last, Dr. W. A. D. sent a letter to Mr. G. H. inviting him to an interview in the Advocate's Library, "to enquire (by looking at a few printed books), whether from the Rescripts of Popes, &c. Papists are at liberty to lie, betray, and even to murder, whenever the interest of their church may seem to require it?"—Mr. H. being then taken up with another affair, sent word to the Doctor of his situation, and begged a delay. The Doctor, satisfied with the reasons, readily granted this request; but soon after renewed his solicitation for the interview in two different cards without date. Mr. H. unwilling to go abruptly to a meeting of this kind, begged the Doctor to let him know the names and passages of those authors by which he meant to prove his accusation. To this the Doctor returned him a long letter, dated the 2d September, containing a short abstract of all that is since published in the printed pamphlet. Mr. H. saw from this letter, that the question would not be about the truth of the passages referred to by the Doctor, which he readily allows, but about the sense and application of them, and the character of their authors; and this would necessarily bring on a dispute of a different kind, which, considering all circumstances, might not be so adviseable: However, before he had time to digest the matter fully, he received another letter from the Doctor, dated September 7th, in which, after mentioning

tioning some more testimonies which he had found out, and how he intended to proceed, he adds: " As you will shortly see in a printed letter of mine, which the Society for propagating Christian Knowledge is to print, directed to you. This piece of information I only got to day, and I make it known to you, not out of vanity, I declare, (though it does me much honour that such able and learned men as Dr. Dick, Dr. Erskine, Dr. Webster, and several others of the establishment approve of it); but out of justice, that you may know what you are to expect, and may have time to prepare; the substance of what I have said you have already seen." On receiving this information, Mr. H. viewed things in a very different light from what he first saw them in, and returned for answer to the Doctor, " that seeing he was to print against him, he did not doubt but that all he had to say on the subject would be displayed in the printed letter; he therefore thought the interview unnecessary, and he would wait till the printed letter should appear, and then endeavour to give him an answer to the whole." Whether or not Mr. H.'s conduct in this correspondence entitles the Doctor to represent it to the world in the way he does in his Advertisement, the Public will judge; and whether Mr. H. declined the interview from a consciousness of the weakness of his cause, the following letter, in answer to the Doctor, will show.



A N

A N S W E R

T O

Mr. W. A. D.'s Letter to G. H.

REVEREND SIR,

I HAVE perused with attention the small pamphlet you lately sent me, wherein you undertake to prove upon the Roman Catholics a very foul accusation, which you express in these terms: "What I propose to prove is, That by the rescripts of Popes, the opinion of approved divines, and even the practice, I might say the decree, of one at least, if not more general councils of the Romish communion, it is lawful, on some occasions, to break faith, especially with heretics; and consequently, to lie, to betray, and even to murder too, whenever the interest of the church requires it." Page 3.—During this perusal, various emotions arose in my breast; sometimes of pity and compassion for the au-

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thor of this undertaking, whose mistaken zeal appears to me to have greatly betrayed him on this occasion; sometimes of regret for my brethren of the Protestant communion, who are so often exposed to be hurt by such slanderous writings, and to have the most unchristian passions excited in their breasts against their christian brethren, from the execrable light in which the Roman Catholics are there exhibited to their view:—At other times, I could not help being surprised to find, that a person of your character and principles should, on this, as well as on former occasions, join in a league with the Presbyterians, whom, by the tenets of your church, and the practice too of re-baptizing those among them who join your communion, you do not even consider as baptized christians:—At other times, I congratulated myself, and thanked my good God for having brought me to the knowledge and communion of that church, who justly glories in the sanctity of her doctrine, as well as in the integrity and purity of her faith; who detests all those execrable tenets of which she is falsely accused, and who sees with complacency and delight, that even her most determined enemies have no other way to attack her, than by calumny and slander, and by misrepresenting her doctrine; a sure and convincing proof that they can say nothing against her with truth, since they have recourse to these unchristian arms of defamation.

But what chiefly affected me during the perusal of your pamphlet, was a real concern for the



the good of my country; for I cannot help thinking, Reverend Sir, that what you there publish to the world tends to give a very dangerous stab to the public welfare: I explain myself.—For these two hundred years past, the Roman Catholics of these three nations have been under the most severe restraints by penal laws, which have been occasionally put in execution against them in all the three kingdoms, with no small severity, during that period. By this means, about two millions of people in Ireland, and a very considerable number in Great Britain, have been rendered, in many respects, useless to their country, and incapable of serving her. Harassed at home, by the severity of these laws, and incapacitated to provide for themselves in a manner suitable to their birth or inclinations, great numbers of them have sought an asylum in foreign countries: and having found that encouragement abroad, which was denied them at home, have, in return, done the most important services to their benefactors, transferring to foreign states those fruits, both of their wisdom and courage, which their native country refused to receive from them: to this, France owes some of her bravest brigades, and Austria her most distinguished generals. Those who remained at home saw with deep regret the dire necessity which forced so many of their brethren into such measures; but resigning themselves to the will of heaven, under their severe trials, they endeavoured, by a peaceable and submissive behaviour, to convince their most inveterate

enemies how little they deserved such treatment. Though deprived by law of all the privileges of our happy constitution, and looked upon as aliens and out-laws, rather than as subjects and citizens; yet their love for their country remained undiminished; their daily prayer was for its happiness and preservation; and great numbers, both in the last war and at present, entered the public service, and ventured their lives for her defence against the common enemy. Government was not insensible of all this, and therefore prudently resolved to give them some indulgence.

Perhaps there never was a period wherein a step of this kind was more solidly political, or better calculated to promote the commonweal. After the surrender of Burgoyne's army, what an alarming prospect appeared to the eyes of the nation! Every succeeding event tended only to increase the horror, and fill the minds of men with the most dismal apprehensions; the distresses and dangers of the nation called aloud for the assistance of every source of power which is within us; whilst an application to foreign aids too forcibly proved a decay in our own vital principle. Nothing, therefore, could be better judged, in such circumstances, than to re-unite to the state such a numerous body of faithful subjects, who were willing to give every assistance in their power to the public cause, and to spend their lives and fortunes in defence of their king and country. The Roman Catholics themselves saw with reluctant shame and indignation,

indignation, the mercenary arms of foreigners employed in defence of that constitution for which they were ready to die; and their hearts glowed with zeal to support their sinking country; animated by these noble feelings, they presumed, *like Esther*, notwithstanding their danger from the laws, to approach the throne, and presented a loyal and affectionate address to the King: in it they gently regretted their unhappy situation, which hindered them from being employed in his service, and modestly made offer of their purses and persons to support his Majesty and their country, whenever it shall please the legislature to employ them. Our gracious Sovereign, with that gentleness and condescension which is the peculiar ornament of his character, received them in peace, and *held out the golden sceptre*. Encouraged by this goodness, they applied to Parliament for some mitigation of their hardships. The Parliament heard the proposal with pleasure; the laws against them were considered; and, in that Supreme Judicature of the nation, were publicly declared to be *a disgrace to the land, inconsistent with the principles of christianity, repugnant to sound policy as well as to humanity, and dictated by a cruel, and even a diabolical policy*. Not a single voice was heard to contradict this judgment. The characters and conduct of the Roman Catholics were also considered, and in that august Assembly, with the same unanimity, they were declared to be *amiable and worthy citizens, who daily exercise the most voluntary and most generous acts of charity and humanity towards their fellow-*

fellow-subjects, and whose actions manifest a behaviour worthy both of good citizens and good christians. It was also further declared, *That their opinions are harmless and merely speculative; and which do not in the least interfere with the quiet and tranquillity of the state; and that they are willing to serve his Majesty to the utmost of their power, and wished to give every proof, every pledge of their allegiance to the King, and to the state*.* In consequence of such authentic testimony both of their innocence and of the severity of the laws against them, asserted by several in both Houses, and contradicted by none, their petition was immediately granted; the laws they most complained of were repealed: and not so much as one dissentient voice appeared to oppose it.

The nation, sensible of the happy consequences of this step, and glad to see so many of its separated members re-united again to the body, rejoiced on the occasion; and, except a few peevish reflections that appeared in some of the public prints, dictated by illiberal spleen, nothing was to be heard but expressions of congratulation and approbation.—Even in the General Assembly of the Church of Scotland, when a motion was made to remonstrate against the repeal, it was rejected by a great majority of above a hundred voices; and during the debate, many

* See all the public papers, giving an account of what was said in Parliament on this occasion.

of the most distinguished members of that venerable body spoke in favour of the repeal, and with high approbation of what was then going on in Parliament. So that we may say with truth, that the great body of both nations were convinced of the propriety of the measure, and rejoiced at the happy effects they expected from it.

But the more Britain rejoiced at this happy event, the more France was confounded. Political France! whose eyes are always open to her own interest, well saw the fatal tendency of such a step to her: No sooner was it known there that the act was passed in favour of the Roman Catholics, than an universal damp was seen on every countenance, and the general cry was: "*Voila deux cens mille hommes armés contre nous!*"—"*See two hundred thousand men armed against us!*" They lamented to think that their Irish brigades must now fall to the ground; and that they could no longer expect to be supported by a disaffected party among ourselves, in case they should invade us; and to shew to what length they carried their regret, the students of the English college at Douay wanted to give public thanks to God, in their church, for the happy event; but they durst not do it. Of all this I am informed by gentlemen of the utmost veracity, who were in France at the time, and were eye and ear-witnesses of what passed. These unquestionable facts shew, beyond reply, the propriety of the repeal,

repeal, and the advantages that may be expected from it to this country; the general voice of the nation attests it, and our natural enemies themselves, with sorrow, acknowledge it. The Roman Catholics in England and Ireland, where the repeal has already taken place, have not been wanting in their dutiful correspondence; they have given every proof required of their attachment to their king and country; and, in the most sacred and solemn manner, purged themselves and their religion of those execrable tenets, which had been so frequently, though most unjustly, laid to their charge.

Now, Sir, in this posture of affairs, what are the effects which may naturally be expected from your pamphlet? A very slight inspection suffices to shew, that the natural tendency of what you there affirm is to counteract the designs of government, and to disappoint the expectations of the nation; to prevent the so much desired union of all parties in the common cause of our country; to widen the breach which has so long unhappily subsisted between the fellow-subjects of these realms, and render it incurable; to excite in the minds of the people the most unjust, but dismal apprehensions, jealousies, and suspicions, and by these means to pave the way to sedition and civil broils: A heavy accusation indeed! It is so; but I beg you not to mistake me; I do not say that you intend, or even advert to such fatal consequences; I leave that
to

to him who judges the secrets of hearts; but I say, that what you have published to the world naturally tends to produce them. The reason is plain: The Roman Catholics have given, and are still ready to give the most convincing proofs that can be desired, of their attachment to their king and country; they have, in the most solemn manner, in the name of the great God that made them, renounced, with abhorrence, those impious tenets which have been laid to their charge: yet the very theme you undertake to prove in the face of the world, and in which you frequently exult, and repeat with complacency, as if clearly proved against them, is, that notwithstanding the most solemn oaths they have taken, yet they are authorized by the very principles of their religion, *to break faith* with those of a different communion, *to lie, to betray, and even to murder too, when the interest of their church requires it*: That is to say, that, notwithstanding all the proofs they have given, or possibly can give, of their sincerity, they are not to be trusted; they are a set of treacherous wretches, who only wait the opportunity, till they can do it with impunity, and then will be ready to cut the throats of all their Protestant brethren. This, Sir,—this is the plain language of your pamphlet; this is the odious light in which you hold out the Roman Catholics to the world; but whether this be consistent with conscience or honour, with the principles of christianity, or the common dictates of humanity, I shall leave to the judgment of the impartial world to determine.

Let

Let us now suppose, that what you affirm of the Roman Catholics should gain credit, and that the nation should look upon them in the same odious light in which you represent them; in this case, it is evident, that all the above consequences, with which I have charged your pamphlet, would necessarily follow; and perhaps others too of a more dismal nature for our poor country, the very thought of which makes me shudder. It is true, indeed, there is no great likelihood that any thing you have said will make the least impression on the mind of any thinking person, but easily may it excite the passions of the ignorant; easily may it inflame the minds of the populace, and fill them with alarming jealousies and fears; and what may be the consequences of such dispositions, if pushed to a certain pitch, the fatal experience of this poor country, in former ages, can best declare.

It will, no doubt, be replied to all this,—That if the Roman Catholics be such wretches as you represent them; if they hold those tenets, so pernicious to society, with which you charge them, they deserve to be exposed to the world; or to use your own words in your letter to me of the 7th September last, “ If
 “ it be true that the Church of Rome teaches
 “ what you own to be a *damnable* tenet, I
 “ think it of importance to religion to fix that
 “ doctrine upon her, both to warn her un-
 “ happy members to come out of her imme-
 “ diately, and to prevent her, as much as I
 “ can,

“ can, from fascinating the world any longer:
 “ —This is a time when I think a check
 “ ought to be given to Popery; and if I am
 “ not deceived by some very good judges,
 “ what I have to show is decisive in the cause.
 “ —Indeed, Sir, should we be silent on this
 “ occasion, when the encouragement given by
 “ Parliament is likely to embolden gentlemen
 “ of your persuasion, it is more than probable
 “ you would be the first to reproach us,” &c.

It is lucky for the Roman Catholics, that
 the Parliaments of Great Britain and Ireland,
 the General Assembly of the Church of Scot-
 land, and the nation in general, have more
 humane, and more christian dispositions to-
 wards them than those you here discover.
 And it is no less honourable for them, that
 their tenets have been declared *harmless* in the
 Parliament itself, and *not in the least contrary*
to the quiet and tranquillity of the state, without
 one single voice in either House to gainsay it.
 The equitable part of mankind will readily
 allow, that this declaration, joined to the so-
 lemn renunciation upon oath, which the Ca-
 tholics in England have already made, of the
 impious tenets falsely laid to their charge,
 and which those in this country are ready to
 make whenever it is required of them, is ful-
 ly sufficient to convince the world of their
 innocence; and it will even seem a very odd
 undertaking, to attempt to fix these impious
 tenets upon them, whether they will or not,
 and in spite of such evidence to the contrary;

THIS RIGHT REVEREND FATHERS OF THE HOUSE OF COMMONS
 1707

or to pretend to prove, that their church teaches them, and yet that the great bulk of her members know nothing about them. However, as you yourself, and the good judges you mention, are so very confident of your cause as to think, that what you have published is decisive in this matter against the Catholics,—I shall here give it an examination, and only beg the impartial public to have a little patience before they pronounce sentence, and to shew the Roman Catholics, at least, that degree of christian charity which is not denied to the most infamous criminal, of giving them a short hearing, before they condemn them: I hope, at the same time, that it will not be deemed an offence in me to appear in this cause, wherein, not only the character of the most numerous Christian Church in the world is at stake, but the peace and tranquillity of the nation, and the honour of the British Parliament seems, in some degree, concerned,

Your pamphlet, Reverend Sir, like the others you have already published against the Roman Catholics, is a confused medley of different and disparate things, huddled together without distinction, and interspersed with bold assertions, unconnected consequences, and repeated boastings of victory. This manner of writing is exceeding favourable to a bad cause; because it confuses the minds of ordinary readers, hinders them from seeing the sophistry of the reasoning, hurries them on, they don't know where, and almost persuades them that you

you have reason, because you so frequently, and with such confidence, affirm it. It is therefore necessary to unravel this confusion, and to examine its different parts separately, that the reader may have a clear idea of every article, and be conducted through the whole with light and precision. I shall, therefore, divide what I have to say into separate sections, and consider apart the several branches of what you have advanced.

SECT. I. *Your false Reasoning examined.*

It is but a disagreeable task for a person of any liberal sentiments to be obliged to expose the weaknesses of his neighbour; and were the instances of your false reasoning only weaknesses, I should willingly spare myself the painful labour; but, alas! Reverend Sir, they are commonly fraught with such malignancy, and have so direct a tendency to exasperate the passions of your readers against the innocent, that it is of the utmost importance to expose them.

I. The first instance that occurs is in proposing your theme, which you lay down in these words: p. 3, "What I propose to prove is this,—That by the rescripts of Popes, &c. it is lawful, on some occasions, to break faith, especially with heretics; and consequently, to lie, betray, and even to murder too, whenever the interest of the Church requires

“quires it.”—Now, tell me, Sir, on what grounds do you add these last words, *even to murder too?* The whole scope of your pamphlet is to prove, that Roman Catholics hold it lawful to break faith with heretics; all you alledge tends constantly to this point; you don’t pretend to bring one Rescript, or Divine, or Council, that holds it lawful *to murder*. Let us then suppose, that you had proved upon them that they hold it lawful to break faith with heretics; nay, let us even suppose, that they openly avow that impious doctrine,—would it follow, as a consequence from this, that they also hold it lawful *to murder*? To *break faith* is exceeding criminal, but *to murder* is much more so; more shocking to humanity, more pernicious to society: Is this reason, then, to affirm, that, because one is guilty of the former, he must be guilty of the latter also?—A late celebrated Protestant author published, as his opinion, that fornication and adultery were, in their own natures, no sin: Would you infer from this, that he also held perjury, and robbery, and murder, to be no sin? When, therefore, you propose to prove, that Roman Catholics hold it lawful to break faith with heretics, upon what grounds do you draw as a consequence of that proof, that they hold it lawful *even to murder too?* A more false way of reasoning, sure, could not be used, nor a more malignant; because it holds out innocent people in the most odious light, as monsters of nature, and pests of society.

ciety. I leave it to your own conscience to make the application.

2. In the same page, you express your "wonder and astonishment," that the author of the Detection of Dr. Campbell's sermon "should so positively assert (*Detect.* p. 44) "that there is not *one approved Divine* of "the Romish Communion, who approves, "or even *insinuates* the damnable tenet above-mentioned, when it is acknowledged, (*Detect.* p. 43) that Cardinal Bellarmine defends the authenticity of a Canon, of the fourth Council of Lateran, which authorises the *extermination*, and, by consequence, the breach of faith with heretics. For if the Canon alluded to be genuine, you (the author of the Detection) seem to acknowledge (*Detect.* p. 43), that it sufficiently fixes the charge of breaking faith, with heretics upon the Church of Rome. And, whether genuine or not, since Cardinal Bellarmine thought it so, it clearly follows that his Eminence believed that doctrine. With your leave, good Sir, that consequence is not so clear, notwithstanding your too confident affirmation that it is so. The imperial laws, as well as the civil laws of the different Christian kingdoms, had prescribed very severe, and, in some cases, capital punishments against the heretics of those days, grounded on the impiety of their tenets, and their inconsistency with the tranquillity of the state, both in theory and practice, as we shall see afterwards. About an hundred years

years and more after the fourth council of Lateran, a Canon appears in the world, said to be of that council, which exhorts and solicits the secular powers to put these laws in execution, and to exterminate all heresies out of their territories; and, at the same time, insinuates an indirect power in the Pope over the temporalities of princes *. The authenticity of this Canon is immediately called in question; Bellarmine, who was of opinion that the Pope has an indirect power over the temporalities of princes, does not reject the Canon as spurious, but uses it to support that opinion; from all which you draw, as a clear consequence, that Bellarmine *believes it to be lawful to break faith with heretics*: but by what art of logic, Reverend Sir, can you pretend to draw such a consequence from these premisses? Even suppose Bellarmine had defended and avowed the propriety of putting the laws in execution against heretics, would it follow from that; that he holds it lawful to break faith with them? Let us suppose, that the late General Assembly of the Church of Scotland, instead of behaving with that christian lenity and liberality of sentiment, which

* How it could happen, that this Canon should have been charged upon the council of Lateran, is not easy to conceive: Mr. Collier, our English Protestant historian, acknowledges, that it never appeared as such, till long after this council. This much is certain, That the obnoxious part of it, about exterminating heretics, is found, word for word, in the Justinian Code, Lib. I. Tit. v. de Hæc. as an imperial constitution of the emperor Frederick, and therefore must have been a civil law of the state long before it was supposed to have been made by the Church.

they

they showed in rejecting the motion for opposing the repeal of the penal laws, had, on the contrary, remonstrated against the repeal, and solicited the Parliament to extirpate the Roman Catholics entirely out of the realm,—would it have been a clear consequence from their doing this, that therefore they hold it lawful to break faith with Papists? But see, good Sir, how much your zeal has here betrayed you! If you think you prove that Roman Catholics hold it lawful to break faith, you affirm it as a consequence of this, that they hold it lawful *to murder too*; and if a Roman Catholic appears to you to approve the putting the laws in execution against heretics, it follows, with equal clearness, according to you, that he holds it lawful to break faith with them. Some people would, probably, look upon this as absurdity and nonsense, instead of argument, and perhaps would suspect, that the author of such sophistry was actuated by other motives than a regard for truth.

3. But in examining this last article about Bellarmine, I am sorry I must go a step farther, and observe, that, in order to support your irrational consequence, you have advanced two assertions, which, in the common language of mankind, would be termed *falsehoods*. First, you affirm, “that the author of the “Detection (p. 43.) acknowledges, that Bellarmine *defends* the authenticity of the Canon “of the fourth council of Lateran.” Yet I defy you to shew this in all the Detection; indeed, in the place which you refer to (p. 43.)

it is said, that *This Canon, as also another, al-
 leged to be of the council of Constance, are re-
 jected by all Catholics as spurious, except Bellar-
 mine, and some few Popish schoolmen, who were
 imposed upon by that of Lateran; but their opi-
 nions thereupon are universally condemned.* Now
 Sir, there is a wide difference between *not
 rejecting it* and *defending it*, as every man
 that has eyes must see. Secondly, you af-
 firm, in the same p. 3. that “ If the Ca-
 “ non alluded to be genuine, the author of
 “ the Detection seems to acknowledge, that it
 “ sufficiently fixes the charge of breaking faith
 “ with heretics upon the Church of Rome.”
 Now, Sir, I make bold to affirm that there
 is no such acknowledgment, nor appearance
 of such acknowledgment in the whole De-
 tection; and from what I have shewn above
 (No. 2.) the man would render himself ridi-
 culous who should pretend to draw such a
 consequence from that Canon, even though
 it were allowed to be genuine *. These
 observations will direct the impartial reader
 what judgment to form of the following
 ironical, self-conceited, and unmanly boast,
 with which you conclude this subject: “ I, in
 “ the mean time, following so respectable an
 “ example as the Appendix-writer, will, with-
 “ out hesitation say, that Cardinal Bellarmine

* Some few remaining copies of the *Detection* are in the
 hands of Mr. Elliot, bookseller; to be disposed of at very
 near one third of the original price; that any body who chuses
 may satisfy himself as to this point.

“ is a *capital* author, and approved divine of
 “ the Romish Church; and being introduced by
 “ you as a defender of the proscribed Canon of
 “ Lateran, and consequently of the lawfulness
 “ of breaking faith with heretics, you are,
 “ therefore, self-convicted: and so I might
 “ here cry, *Io triumphe!* and fairly claim the
 “ victory.”

4. Another instance of your false reasoning, which justly deserves a worse epithet, as it contains a wresting of the word of God, is found in pages 15. and 16. where, after affirming that St. Thomas of Aquin held the lawfulness of putting men to death for heresy, you add, p. 15. “ Now this tenet is as
 “ contrary both to the precept and example
 “ of Christ, and consequently is as damnable
 “ and impious as the other,” viz. that of breaking faith with them: “ It is repugnant
 “ to Christ’s precept, because he forbade to
 “ root up the *tares*; and it is repugnant to
 “ his example, because he refused to bring
 “ down fire from heaven upon the Samaritans.” I am afraid, good Sir, that you are not aware of the consequences of what you here so boldly advance, and of the mortal stab you give to the laws of your own country: for why were our severe penal laws made against Papists? Why are Papists subjected by them to banishments, forfeitures, inabilities, fines, and death itself, but merely for believing those tenets which Protestants think erroneous? If therefore it be *damnable and impious*, as you pretend, to put men to death

for heresy, or erroneous opinions, what judgment must you form of these laws? You surely must condemn them as *damnable and impious laws*, and those who made them as guilty of a *damnable and impious sin*; and those who put them in execution as involved in the same crime. If you reply to this, that these penal laws were made against Papists, not for their mere opinions, but for their bad practices; please to consult the laws themselves, and you will see the contrary; consult the test or formula, which they are required to take, in order to be delivered from all these penalties, and you will find it contains nothing but a renunciation of those opinions, which are the distinctive doctrines of the Church of Rome; and which the test requires to be denied, disowned, and disclaimed, *as contrary to, and inconsistent with the written word of God*. But let us rather draw a veil over this subject, and take a view of the reasons you bring to prove, that it is damnable and impious to put men to death for erroneous opinions. Your first reason is because *Christ forbade to root up the tares*; and when you make Papists reply, that "our blessed Lord forbade the rooting up of the *tares*," that is, as you say, "putting heretics to death, only for fear of destroying the good seed, or children of the kingdom," you answer, "That heretics were as distinct and separate from sound Christians in our Saviour's time as they are now," &c.—Now, Sir, permit me to ask you one question here: By what authority do you take upon you to explain the word *tares* of

of *heretics*? Does the word of God give it this explanation? No such thing. Does our blessed Lord explain it in this sense? By no means. Nay your explication is an evident wresting of the word of God, and of the interpretation which Jesus Christ himself gives of this parable; for he expressly says, Matt. xiii. 38. "*The field is the world; the good seed are the children of the kingdom; but the tares are the children of the wicked one;*" where it is evident, that by *tares* our Saviour means all wicked men, without exception, whatever their crimes be; all those, as he afterwards explains it, ver. 41. *that offend, and them which do iniquity*, and who shall be cast at the last day *into a furnace of fire*, ver. 42.---Will you now affirm, that this text proves it to be a damnable sin to punish heretics with death? But it equally proves it to be a damnable sin to punish with death any criminal whatever: And thus you see, that in order to bring an odium upon the Roman Catholics, you are forced either to wrest the Scriptures, contrary to the express interpretation of Jesus Christ, or to accuse all laws, lawgivers, states and judges of a damnable impiety whenever they condemn any criminal capitally! The second reason you bring to prove, that it is damnable and impious to punish heretics with death, is as little to the purpose as the former: "It is repugnant, you say, to the example of Christ, because he refused to bring down fire from heaven upon the Samaritans," P. 15. And a little after, you tell us, that he refused this, "because persecution for mere principles

" is

“ is contrary to the design and genius of his religion.”—Now tell me, Sir, was it for mere principles or opinions that these two apostles desired leave to call down fire from heaven upon the Samaritans? Is there one single word about their principles or opinions in all that passage? No such thing. The account the Scripture gives is this: “ *And it came to pass, when the time was come that he should be received up, he steadfastly set his heart to go to Jerusalem. And sent messengers before his face; and they went and entered into a village of the Samaritans to make ready for him. And they did not receive him, because his face was as though he would go to Jerusalem. And when his disciples James and John saw this, they said, Lord, wilt thou that we command fire to come down from heaven, and consume them? But he turned and rebuked them, and said, Ye know not what manner of Spirit ye are of: For the Son of man is not come to destroy mens lives, but to save them,*” Luke ix. 51. &c. Here the gospel declares, that the crime of the Samaritans was a sin of action, or rather of omission, but by no means of opinion; it was a refusing to receive Christ into their village, when they saw him bent upon going up to Jerusalem, and consequently your argument, when put in its proper form runs thus: The Samaritans did not receive Jesus Christ into their village, because his face was as though he would go to Jerusalem; the two Apostles took this much amiss, and sought to bring down fire from heaven to destroy them for their incivility;

vility; our Saviour rebuked them for such severity, it being contrary to his spirit, and to justice, to punish so small a fault with so great a punishment, and because he was not come to destroy mens lives, but to lay down his own to save them. From all which facts you draw this judicious conclusion, That it is repugnant to this example of Christ, and consequently damnable and impious to hold it lawful to put men to death for erroneous opinions, or heresy! Is this, Sir, reasoning either like a divine or a philosopher? Would not a school-boy be ashamed of such an argument? What then must every man of common sense think of your vain-glorious boasting of having fixed your foul accusation upon the Roman Catholics by such sophistry? Other examples of your false reasoning I shall have occasion to take notice of as we go along—In the mean time, I proceed to examine,

SECT. II. *The Divines you make use of, to prove your point, and their authority.*

By the way you introduce these writers, and the high encomiums you give them, one would be apt to think that they are really such as you represent them, men of note and character, approved divines, and of great weight among Roman Catholics: But if any one should wish to know your authority for giving them such commendations, I am afraid you would find it a puzzling affair to satisfy him. You might say indeed, if you chose to speak

speak the truth, that it is for the interest of your cause to set them out as great men, and puff away in their praises; that the bulk of your readers will take it for granted they are so, because you so confidently affirm it; that few or none have the opportunity, or will take the trouble to examine whether they are so or not, and the like; but as nothing of this kind will satisfy the sincere enquirers after truth, I must take the liberty to put this disagreeable question to you, and to insist on a plain and direct answer to it: Upon what grounds do you propose those authors whose testimonies you adduce in proof of your slanderous accusation of the Roman Catholics, as approved divines of weight and authority among them? Till you think fit to satisfy the world as to this point, I shall tell you what I know about them, and examine them one by one.

1. The first testimony you produce, is the indulgence from Pope Clement VI. granted in a letter to the King and Queen of France, which is published in Latin by Dacherius, a Benedictine Monk, in his *Spicilegium*. That Dacherius published such a letter I readily allow; but do you really in your conscience believe, that that letter is a proof against the Roman Catholics of what you lay to their charge? If you do, it is a melancholy proof of your ardent propensity to believe and propagate every thing that is bad upon that injured people. The case is this: Dacherius lived about the middle of the last century, and being a man of learning and curiosity, he took a pleasure

a pleasure in examining great collections of old manuscript papers, which he found in the libraries of France, and especially in those of the different monasteries of his order; and as there were many curious things among them, he took a resolution to publish them, under the title of *Spicilegium*, or collection of old writings, &c. Among others, he finds this supposed letter of Clement VI. and publishes it with the rest as he found it. His *Spicilegium* was published in the year 1661*, and the letter is dated in the year 1351, that is three hundred years before it was ever heard of in the world. Now it is to be observed, that there is not the least mention of such a letter, or such an indulgence, in any contemporary writer that ever I could hear of; there is no word of it in the histories of the times, nor in the lives of John King of France, or of Clement VI. Even Fleury himself, who omits no opportunity of exposing the foibles of every Pope in his ecclesiastical history, and who is very severe upon this very Clement VI. himself, when he mentions several privileges granted by him to John King of France, refers to his other letters published also by Dacherius in his *Spicilegium*, but says not one single word of this†, which is a sure proof that he did not think it authentic; nor a sufficient ground on which

* But you are pleased (p. 6. at the bottom) to date the publication of it in the year 1461, that is two hundred years before the time, and about one hundred and fifty years before the publisher was born, which was in the year 1609.

† See Fleury Eccl. Hist. at the year 1351, and 1352.

to expose this Pope; otherwise he would never have omitted so large a field for censure, considering his own disposition and the times in which he lived: And what is still more, even Dacherius himself, who gives very judicious and learned observations, in his prefaces, upon the other pieces he publishes and their authenticity, says not one word of this letter: he gives it as he got it, but whether an original or a copy, whether it had any mark of authenticity or not, he says nothing, and only tells in the contents of that volume, that it was found in such a monastery. Here then we have a letter unknown and unheard of, till three hundred years after the date it bears, and then apparently disregarded even by the publisher himself, no weight nor stress laid upon it, and not even taken notice of by any other historian since its publication; and is this spurious and contemptible letter to be regarded as a convincing proof sufficient to fix an impious and wicked tenet upon the whole Roman Catholic Church? A tenet which she universally rejects, abhors, and condemns! For shame! for shame! Good Sir, how can you as a Christian admit such a proof as this for so horrid a calumny, or justify yourself to your conscience in propagating such a slander against your neighbour on such grounds? How can you, as a gentleman of honour, put your name to such illiberal stuff as this is? That the anonymous author of the scurrilous Catechism published at Dumfries should do so, I am not surpris'd, but he takes care, by concealing his name, to cover himself from the odium of it, at least

least in the eyes of the world; but that a gentleman of your character and profession should act in such a manner, and set his name to it in the face of the world, and even glory in such a proof, is indeed an amazing, but convincing proof how far enmity and hatred will blind even good men, and hurry them on to the most extravagant conduct! Pardon me, Reverend Sir, for this reflection; it is on good grounds I make it; for in your letter to me, dated on Michaelmas day last, you acknowledge, in express terms, that *you are an enemy to my religion.*

2. The next testimony you bring is *Simanca*, whom you affirm, p. 9. to be a *Doctor*, an *eminent Divine*, and *Casuiſt of the Romiſh Church*; you bring him in again with the others you cite, p. 17. as an *approved Divine of the Romiſh Communion*; and, on every other occasion, you speak of him as a person above exception among Roman Catholics, and whose evidence is decisive and undeniable in your favour. Now, Sir, with your good leave, I make bold to affirm, that all this is downright falsehood, and a shameful imposition upon the public: I was, indeed, a good deal surpris'd at first, on seeing the high titles and encomiums you give him; for I could never imagine you would so far expose yourself as to write in such a strain of a person of no reputation nor character; and, on the other hand, I thought it very odd, that if he was such as you represented him,

him, I should never have heard about him; for I declare, on the word of a gentleman, that, till I read your letter, I never heard of his name: I therefore wanted to know for certain what he was, and, with this view, I consulted *Avocat's Historical Dictionary*, which gives an account of all the celebrated Bishops, Cardinals, Divines, Lawyers, Physicians, &c. who have ever made any figure in the world; but, to my great disappointment, there was not a single word of *Simanca* there. I then consulted *Dupin's Bibliotheque Ecclesiastique*, which consists of sixteen volumes in quarto, and contains a history of all the ecclesiastical writers the author could possibly get account of in every age, and of their works; but I came no better speed; your *great Doctor Simanca* was not thought worthy, by Dupin, of being so much as named by him. I next examined Bellarmine, in his work upon the same subject; but all to no purpose,—*Simanca* could not be found: At last, however, in the *Ecclesiastical History* of Natalis Alexander, in a list which he gives of the Lawyers who lived in the sixteenth century, I found the man; and am there informed, that he was called *Simanca* from a little town in Spain, where he was born; that he was professor of civil and canon law in Salamanca, and afterwards a judge in Valladolid; that he wrote several things upon jurisprudence, and, among others, his *Catholic Institutions*. Hence, it appears,

Reverend

Reverend Sir, that your great *Doctor*, your *eminent Divine*, your *Casulist of the Romish Church*, turns out to be no other than a poor Spanish Lawyer, a man of no note, no character, no reputation, his name scarce known among Roman Catholics, and so far from deserving the high encomiums and titles you give him, that the most celebrated biographers of famous men don't think him deserving even to be mentioned in their works; and so far is he from being an eminent Divine, that he is not a Divine at all, but an obscure Spanish pettifogger, who publishes his *Institutions* on some branches of the law, perhaps to make a penny by it, and gives it the pompous name of *Catholic Institutions*, like many other authors, now-a-days, who give their silly productions a grand frontispiece, to make them pass with a better grace. And is this the grand evidence you bring against the Roman Catholics? Is it upon such a testimony as this that they are to be condemned?—but I shall spare you the pain of pushing such reflections as might naturally be made here, and only observe, that were it not for the virulence you every where express against the Roman Catholics, which has all the appearance of being from the heart, one might be apt to suspect, that you are a secret friend of theirs; for, surely, nothing could be more for their honour than the way you attack them, as it shows, beyond reply, how little you can prove against them,

them, when you have recourse to such testimonies; and, in order to give these testimonies some appearance of weight, are forced to represent them to the world in a light so contrary to truth.

3. Your next witnesses, Doctor *Martinus Gilbertus*, whom you stile *an eminent professor of the Canon Law in the university of Paris*, p. 8. and *Marius Salomonius*, cited by your great Simanca, are even in worse condition than Simanca himself: Of Simanca I have got some account, but of them I can get none, nor can I find so much as their names in any of the above mentioned biographers. What makes this the more remarkable of *Gilbertus*, and shews the Cimmerian darkness in which he lies hid, is, that Dupin, in his account of the ecclesiastical writers from 1500 to 1600, though he has an express article on those who wrote on the Canon Law during that century, and there mentions an edition of the Decretals, with notes, by Augustinus, with several other works on that subject,—yet has not one word of *Gilbertus*, though his book, you say, was printed in 1561. With these, then, and with what they say, the Roman Catholics have no concern; they are certainly far, very far from being approved Divines of their Church; they are not even Divines at all; and this you could not well be ignorant of, had you taken the least pains to inform yourself about them, which surely

ly was the part of a prudent judgment, as well as of a candid heart, to have done, before you had exposed yourself, with so much self-confidence, to the world, in such a cause. But I shall add no more on your bringing such authors against the Catholics; your reader's own reflection will make up the rest. I cannot, however, help observing one thing, that to make the deeper wound by these very authors you cite, you have given a very false and malicious translation of Salomonius's words; for page 12, in your note, you give us Simanca's words, citing Salomonius thus: *Veruntamen (ut Marius Salomonius ait) promissa contra Christum fides, si præstetur, utique perfidia est.* These are the words of Salomonius; the plain English of which is, that *a promise made against Christ, if it be performed, is perfidy*; and I dare say, you, as a Christian, will scarce have heart to deny that it is so; but as this translation would not have served your purpose, five pages after (for till then, you do not give us your translation) you explain Salominius's words as follows: "Yea, one
 " of them (Salamonius), more spirited than
 " the rest, has *gloriously* decided, that faith
 " promised to *them* (*to wit*, heretics) is pro-
 " mised against *Christ*, and therefore, if
 " kept, is *treachery*!" See here, Reverend Sir, how far your zeal has betrayed you!

The same disingenuity you are guilty of, page 18. in translating paragraph 53. from Simanca; for you both mutilate the text itself, which you cite in the note, and give a wrong translation of it. The text, at full length, is this: "Quamobrem fides illis data, etiam juramento firmata, contra bonum publicum, contra salutem animarum, contra jura divina et humana, nullo modo servanda est. In malis promissis, inquit Isidorus, rescinde fidem, et juramentum non debet esse vinculum iniquitatis." The plain English of which is this: *Wherefore, a promise made to them, though confirmed by oath, against the public good, against the salvation of souls, against the laws of God and man, is by no means to be kept. In evil promises, says Isidore, break your word; even an oath ought not to be a bond of iniquity.* Where it is evident, that the promises here spoken of, are such as are in themselves bad, to whomsoever they are made, such as are contrary to the laws of God and man, which none can be obliged to keep, even though confirmed by oath. It is a sin to make such oaths, and it would be a greater sin to keep them; for it would be abusing the respect due to the sacred name of God, by making it a bond of iniquity; whereas, in the mangled translation you give, you make your author say, that no *faith ought to be kept with heretics, though confirmed by oath, as being inconsistent with the public good and the salvation of souls*; as if he looked upon every promise made to them to be

be inconsistent with the public good, and the salvation of souls, and contrary to all laws, divine and human, which is an unfair perverting of the author's meaning, and making him speak evident nonsense; but to give it this malicious turn, it was necessary to foist into your translation, *as being inconsistent*, which are not in the original, and to omit the reasons the author adds from Isidore, which explains and fixes his true meaning. I shall not accuse you of any design in this; but suppose it an oversight, into which the same intemperate zeal has unluckily hurried you.

4. I come now to consider your argument from St. Thomas Aquinas; and I must say, your reasoning on this author is perfectly original. Your friend Simanca had cited Aquinas as favourable to him, and says, "St. Thomas also is of opinion, that a Catholic might deliver over an intrac-
table heretic to the judges, notwithstanding he had pledged his faith to him, and even confirmed it by the solemnity of an oath." And he points out two different places in St. Thomas's Sum of Divinity, where he says the saint declares this. You yourself examine both the places referred to, and you candidly acknowledge, that neither in the one, nor in the other, is any such doctrine to be found; nay, on the contrary, you acknowledge, that you would rather conclude from what the saint says
D under

under the fortieth question, which is one of the citations, that he thought very differently on this subject; yet, notwithstanding the false citation, and the evidence of your own eyes, you still insist, that it must be St. Thomas's doctrine, because Simanca says so! Was ever such an argument heard from a man in his wits? Can there be a greater proof than this of the propensity of your mind to believe any thing against Roman Catholics, even though contrary to the evidence of your own senses? Ah! Sir, the author of the Dialogue against the Appendix to Miracles, refuses to believe the words of Jesus Christ in their plain, natural and obvious meaning, because he thinks it contrary to the evidence of his senses; and, according to you, we must believe, that what a Simanca says, is true, though by your own acknowledgment, it is directly contrary to that very evidence! But you tell us, that there is reason to say so, because, "the former part of the quotation, "*Hæreticum indocilem prodendum esse judici-*"*bus*; that is to say, *that an intractable he-*"*retic is to be delivered over to the judges,*" —is, beyond all dispute, maintained by "Aquinas; and therefore," say you, p. 14. "we must believe, that in some one place "or other of St. Thomas Aquinas's works, "the latter part of the quotation, *notwith-*"*standing he had pledged his faith to him,*" *and confirmed it by oath,* is to be found "also." Was ever such an insult offered
to

to the understanding of the public as is done here? St. Thomas thinks it is lawful to discover an obstinate heretic, and give him over to the judges, and therefore we must believe, that he thinks this lawful, even tho' one had given a promise under oath to the contrary! Is it possible, Sir, you can be in earnest, when you argue thus? Do not you, and thousands others, think it lawful, in this country, to discover a Popish Priest, and deliver him over to the judges? Are there not thousands in this country who would even think it a duty and a meritorious action to do so; and would you yourself be pleased, if any one should conclude from this, that you and they must therefore think it lawful to do so, even though you had given a promise under oath to the contrary? Fy, fy! Reverend Sir, how can you, either as a Christian, or as a gentleman, slander your neighbour in a grievous manner, on such irrational grounds as these are?

SECT. III. *The True Meaning of the Writers
you have cited, examined.*

Hitherto I have examined the characters of the authors whose testimony you make use of, and what authority they have in your favour; and I have shewn, that they are quite the reverse of what you give them out to be, men of no note, character,

nor reputation; and, consequently of no weight nor authority at all. What I intend now, is to shew you, that though it were otherwise with them, it would make nothing to your purpose; because you have widely mistaken their meaning, and extended their expressions into a general sense, which they used only in very particular and singular circumstances.

Whatever opinion you may have of the injustice or impiety of punishing heretics, it is a certain fact, that, in every Christian kingdom, the civil power has thought it necessary, in certain circumstances, to enact laws against them.—Where the Catholic religion is the one only established religion in a nation, and all the people join together in that communion, every attempt to bring in any innovation in religion must necessarily be attended with divisions, dissensions, and civil broils; and the experience of all past ages shews the fatal consequences which these never fail to produce in the state. The Church has, at all times, thought it her inherent duty to watch over the faith, as well as the morals of her children; and, when her charitable endeavours to reclaim novellists, proved ineffectual to reduce them to their duty, in order to prevent the contagion from spreading and corrupting others, she has judged it necessary to cut them off from her communion, and set a mark upon them, as a people to be shunned and avoided by the faithful. In this she thought herself
authorised

authorised and even commanded by Almighty God, who, by his Apostle St. Paul, expressly says, "A man that is an heretic, after the first and second admonition, reject, knowing that he that is such, is subverted, and sinneth, being condemned of himself."

Titus. iii. 10.—And, by the beloved disciple, he still more expressly ordains this, saying, "If there come any unto you, and bring not this doctrine," (*to wit*, the doctrine of Christ, of which the apostle was there speaking), "receive him not into your house, neither bid him God speed."

II. John c. ver. St. Paul writes to the same purpose to the Romans: "Now, I beseech you, Brethren, mark them which cause divisions and offences, contrary to the doctrine which ye have learned, and avoid them." Rom. xvi. 17. In which words, he points out the very case above proposed, of those, who by broaching new doctrines, contrary to what had been received, cause divisions and offences among the people; and he not only commands all such to be avoided, but also, immediately after, brands them with a most infamous character: "For," says he, ver. 18, "they that are such, serve not our Lord Jesus Christ, but their own belly, and, by good words and fair speeches, deceive the hearts of the simple:" He declares them to be enemies to Christ, given up to their own sensual pleasures, and most dangerous company for the weak and simple. Lastly, the same holy Apostle, writing to the Galatians, pronounces

nounces *a curse*, and repeats it a second time, upon any one, though an angel from heaven, who shall dare to *alter the true doctrine* of the Gospel, and preach *any other* than what he had preached, Gal. i. 8, 9. Authorised in this manner by the word of God, or rather in obedience to so many repeated commands of that divine word, the Church, when any of her children obstinately adhere to any false and heretical doctrine, not only cuts them off simply from her communion, but also considers them in the same infamous light in which the Apostle proposes them, commands all her children to avoid their company, and forbids all kind of communication with them; and this she does principally with a view to their good, in hopes that this severity may make them enter into themselves, and return to their duty; and, secondly, to prevent them, at least, from *deceiving the hearts of the simple*, and corrupting her other children; yea, she does this, not only with those of her children who fall into heresy, but also with all others among them, who for any other grievous crime, and continuing obstinately in it, incur the sentence of excommunication. In this, also, she follows the precept and example of St. Paul, who, after passing sentence of excommunication upon the incestuous Corinthian, and delivering him over to Satan, adds; “ I wrote to you in an epistle, not to keep company with fornicators; yet not altogether with the fornicators of this world, or with the covetous, or extortioners, or
“ with

“ with idolaters, for then must ye needs go
 “ out of the world ; but now I have writ-
 “ ten unto you not to keep company, if any
 “ man that is called a Brother be a fornica-
 “ tor, or covetous, or an idolater, or a railer,
 “ or a drunkard, or an extortioner, with
 “ such an one do not eat. For what have
 “ I to do to judge them also that are
 “ without ? Do not ye judge them that are
 “ within ? But them that are without God
 “ judgeth.” I. Cor. v. 9, &c. In these words
 of the Apostle, the Church is not only au-
 thorised for the way she treats such people,
 but she also receives another regulation for
 her conduct in this respect, which she care-
 fully observes, namely, that it is only with
 her own children that she must behave so,
 leaving those who are out of her communion
 to be judged by God, as he sees proper ; and
 as for those of her own children themselves,
 who fall into any crime punishable by ex-
 communication, she must first admonish them
 once and again, and warn them of their
 danger, before she passes sentence ; and af-
 ter all, even when the sentence of excom-
 munication is passed, before its concomitant
 effects of infamy, and flying all communi-
 cation with them, can take place, the crime
 and obstinacy of the person must be pub-
 licly denounced and declared to the faithful,
 and he himself exposed by name as an excom-
 municated person.

Such is the way the church behaves in this
 delicate matter with those of her own children
 who

who fall under the sentence of excommunication, whether by means of heresy or any other crime ; and farther than this she does not pretend to go. But the civil powers are by no means content with this in the case of heresy ; they consider all novelties in religion *causing divisions and offences contrary to the doctrine we have learned* not only as crimes against the majesty of God, but also as highly criminal against the state, and subversive of the public tranquillity : they observed from constant experience, that whenever any heresy appeared in any country, no sooner was a party formed in its favour, than immediately seditions, insurrections and rebellions were the fatal consequences of it. When any erroneous doctrine was broached, the Church always considered it as her duty in the sight of God, to use the means he had put in her power to suppress it, by admonitions, exhortations, threatenings, and at last by cutting off the rotten members from her communion, if the other methods would not do : and in this you are far from blaming her ; nay, “ you readily agree, p. 35. that the Imperial safe-conduct given to Huss, ought not to be of any prejudice to the Catholic faith ; ” and you “ acknowledge that it was always in the power of the Bishops of the Council, to censure and condemn Huss’s deviation from the faith, and even to excommunicate his person, notwithstanding his safe-conduct ; because, though the Emperor might protect any man’s life, he had no right to protect errors in faith.” Now had heretics, when
condemned

condemned by the church, submitted to her judgment, or, though they still retained their own erroneous opinions, had they kept them to themselves, and not endeavoured to corrupt others with their poisonous doctrines, in all probability the state would never have interfered in this matter; but this never was, nor ever will be the genius of heresy. On the contrary, no sooner was any heresy condemned by the church, than immediately the hue and cry was raised by those who embraced it against her Pastors; they complained of injustice, protested their innocence, parties and cabals were formed to support them, and whenever they thought themselves sufficiently strengthened, they took the field, propagated their doctrine by the sword, often shook the state itself to its foundations, and sometimes even overturned it entirely. The Arians and Donatists are proofs of this in antient times; the Albigenes in France, the Wickliffists in England, and Hussites in Bohemia, shew the truth of it in the middle ages; and, were it not perhaps rather too touching, other more striking examples might be given nearer our own days. The civil powers, therefore, seeing this to be always the case with novellists in religion, and especially with those among them who expressly taught and propagated doctrines inconsistent with the public tranquillity, and manifestly encouraging sedition and rebellion, thought it their indispensable duty, for the security of the state, and necessary for their own preservation, to make severe laws against heretics, affecting sometimes their purses, some-
times

times their liberty, and sometimes even their life itself. The imperial laws on this subject make part of the *civil law*, and are related at large in the *Justinian code*, in the five first titles concerning *the Blessed Trinity, the Churches, the Clergy, and Heretics*. The particular laws of different kingdoms are to be found in their own statute-books. I shall confine myself to shew the origin of one of the most severe of these laws in England, that of Henry IV. which condemned the Wickliffists to be burnt. While these heretics were left to the judgment of the church, they were dealt with very mildly; but this, instead of reclaiming them, only served to make them the more imperious; and it was the lenity, and seeming inefficacy of the ecclesiastical proceedings, that put the state on more violent measures against them, especially when it perceived the fatal consequences which their doctrine tended to produce. Doctor Heylin, in his animadversions on Fuller's Church History, says, Wickliffe's opinions were contrary to peace and civil order, for he declared *against the lawfulness of oaths*, and *required an exact probity to give a title to property and power*: He affirmed, *that an ill man forfeits his right to dominion*, and *that as long as a prince continues in mortal sin, his prerogative is lost*. Here, under the cover of religion, the most dazzling temptations and unbounded views are laid open to the populace, and to such of their leaders as chose, for the sake of dominion and power to put on the mask of sanctity. In fact these doctrines had their natural effects. The rebellion of Jack Straw, and

and of Watt Tyler, were fomented by one John Ball, a Wickliffist priest; and where any of them preached, their followers of the better kind, such as Sir John Latimer, Sir John Trussel, Sir Lodovick Clifford, and many others, were accustomed to come armed to their meetings, and ready to fight in defence of their gospel. This procedure obliged both houses of Parliament to complain to the King, and at length, under Henry IV. in that very Parliament which curtailed the temporal power of the Pope in England, was made that famous statute which condemns those heretics to be burned; and in the preamble to the act is set forth, among other charges, that they excite and stir people up to sedition and insurrection, and make great strife and division among the people. Their rebellions continuing under Sir John Oldcastle and others, a second act passed against them in the reign of Henry V. in which they are charged with insurrections, and a design to subvert and destroy all the estates of the realm, spiritual and temporal.

Here, then, we see the different departments of the ecclesiastical and civil powers, with regard to heretics, clearly pointed out to us, and the origin and nature of the several laws made by each power against them: But here we must carefully remark, that these very laws subsist only where the Roman Catholic religion is the universally received religion of the country, and when a new heresy appears among them, and has not yet taken root; for, when, through the disposition

disposition of Divine Providence, any new system of religion prevails, and is established, these laws have no more place; the Roman Catholics cease to exert even their spiritual jurisdiction against it, and by their principles, in order to restore religion, are obliged to return to preaching and sufferings. On this account, in Germany, Catholics live in perfect good neighbourhood with Protestants, even in those very states where the legislative power is wholly Catholic *:—And in Rome itself, as well as in all Catholic countries, when Protestants go in among them, whether as visitors, or to reside, so far are they from being treated as excommunicated persons, that every mark of the most cordial charity and benevolence is shewn them by all ranks of people with whom they have any communication;

* It will be proper to illustrate this by some recent examples in our own days. When the Calvinists first appeared in France, every legal means was used to suppress them: however, they prevailed, were acknowledged, and peace made with them. During this peace, which lasted for many years, Heylin, a Protestant historian, in his History of Presbyterianism, (B. xii. No. 43.) thus describes their situation; “ they were possessed of
 “ well near two hundred strong towns and castles, well fortified
 “ for their personal safety, besides many fair houses and large
 “ territories in villages, in which their pleasures and their profits
 “ were alike consulted; they slept all under their own vines,
 “ and their own fig-trees, neither fearing, *nor having cause to*
 “ *fear*, the least disturbance. With those of the Catholic party
 “ they were grown so intimate, by reason of their frequent
 “ intermarriages with one another, that in a few years they
 “ might have been incorporated with them, and made of the
 “ same family, though of different faiths. The exercise of their
 “ religion had been permitted to them, since the passing the
 “ edict of Nantz, without interruption.—In a word, they lived
 “ so

communication ; as is well known to numbers from this very country itself. Protestants who reside among Catholics in the commercial way, find as much fidelity, and as strict justice observed by them, as it is possible to find in any Protestant country ; and Protestant states, who employ their Catholic subjects in their armies, as in Holland and Germany, find them as faithful, and as much attached to their Protestant sovereigns, and

“ so secure and happy, that they wanted nothing to perpetuate their felicities to succeeding ages, but moderation in themselves, gratitude to Almighty God, and good affection towards their King.” But the want of this moderation brought on their ruin.

The Protestants of Bohemia, and disciples of *Huss*, after sustaining bloody wars against their Sovereigns for several years, were at last reduced, and took refuge in Poland. *Sigismund* King of Poland received them kindly, and from his death in 1572, for more than 160 Years after, they enjoyed all the privileges of subjects and citizens ; till being suspected by their sovereign of secretly favouring *Charles XII.* the Protestant King of Sweden, against him, they were put under restrictions. *Milton* himself, though far from being a friend to Popery, in his work of *True Religion*, says, “ If the French and Polonian Protestants enjoy, among Papists, the liberty of arguing, preaching in their several assemblies, public writing, and the freedom of printing, much more may a Protestant expect it among Protestants.” (p. 8.)

The reformed of the Austrian dominions, at this day, are in the settled peaceable possession of the privileges of subjects, and of the liberty of their religion. These examples demonstrate, beyond reply, that Protestants are perfectly safe, even under popish powers, and that their popish neighbours behave with as much fidelity and friendship to them, as they do to one another ; and that the particular laws of discipline among Catholics themselves, are never supposed to affect those of a different communion, nor are exerted against them.

as ready to fight for them against their Catholic enemies, if not more so, than they find even in their Protestant subjects themselves. From all which it is plain, that all the laws made in Roman Catholic countries, whether civil or ecclesiastical, against heretics, are only particular laws made against their own subjects, for particular ends, and exerted against them only in particular circumstances.

Let us now take a view of what those authors say, whom you so confidently alledge against the Catholics, and let us consider their true meaning. Simanca and Salomonius are lawyers; they are writing commentaries on the laws against heretics, which were in force in those countries where they lived; and unfold the consequences which they apprehend flow from these laws: To begin with the ecclesiastical law of excommunication: This ordains (according to the direction of the scriptures), when any person professing the Catholic religion is convicted of heresy, and continues obstinate it, notwithstanding all the ordinary means used to reclaim him, so that the sentence of excommunication is passed upon him, and he is openly, and by name, denounced as an excommunicated person; that all the faithful should *reject him*, Tit. iii. 10; should not *receive him into their houses*, II John, v. 10.; *should avoid him*, Rom. xvi. 17.; *should have no company with him, that he may be ashamed*, II. Theff. iii. 14.; that is
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to say, that they should break off all manner of communication with him. In consequence of this, say these commentators, he is deprived of all power and authority; or to use your own translation of Simanca's words, p. 20. (though it is by no means an exact one), " he forfeits his title to all kinds of dominion on whatsoever;—natural over his children, who, by his heresy, become their own masters;—civil over their slaves, who are thereby set at liberty;—and political over their subjects, who are no longer obliged to obey them."

Whether or not these consequences necessarily flow from the law of excommunication, is not our business here to examine; Simanca and Salomonius give it as their opinion that they did so. Now lay your hand upon your heart, Reverend Sir, and answer me this question, Do you really in your conscience think, that because Simanca and Salomonius are of opinion, that in the particular circumstances above specified, a heretic is by the law subjected to these penalties and forfeitures, and deprived of all power over his children and slaves; that therefore the Roman Catholics, by the principles of their religion, think it lawful to break faith with heretics on any other occasion where not one of these circumstances are to be found? Let us even allow that Simanca's opinion is just, and that the consequences he mentions necessarily flow from the law; nay, let us allow,

allow, if you please, that the law itself expressly specified all these penalties,—would it follow even from this, that Roman Catholics were allowed by their religion to break faith with heretics on all occasions, even where these particular laws have no place nor concern? How unworthy of a man of sense would such consequences be?

Let us even go a step farther—let us take a person in the very case proposed, convicted of heresy, obstinate, excommunicated, and publicly denounced as such,—will you take upon you to say, that even his children, who, in consequence of the law, become their own masters, and his slaves, who, by the same law, renounce their subjection to him, and become free, are thereby guilty of breaking their faith to him? Every man of sense would laugh at you, if you should say so; because the person is legally deprived of all the right he had to their subjection; and where there is no right, there can be no breach of right. If therefore there be no breaking of faith with the heretical delinquent, even in the execution of the law itself,—how can the existence of such a law be a proof, or even the shadow of a proof, that Roman Catholics think it lawful to break faith with heretics, in any other case where the law has no place at all? Such reasoning as that would come better from children than from men. But let us go on.

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By the imperial civil laws, the goods of obstinate heretics are confiscated to the public. See the Justinian Code, Lib. 1. Tit. v. No. 3. of Arcadius and Honorius; No. 6. of Theodosius and Valentinianus, and others: See also the Constitutions of Frederic II. No. 5. You are pleased to tell us, page 10. that this is done by the canon law; with what view you best know; but in this you are under a great mistake; for these imperial laws are much more antient than any canon law upon the subject; and all that the canon law afterwards did, was to approve and adopt into its code these laws of the state made long before. From these laws Simanca draws this consequence: *That he, with whom a heretic has deposed any thing, shall not be bound, after his heresy is made manifest to restore the pledge to him, but to the Exchequer demanding it*: For this is the literal translation of Simanca's words. This inference you are pleased to ridicule, as very extraordinary; but pray, good Sir, upon what grounds? Has not the legislature in every state a power to deprive its subjects of their civil rights, in punishment of any crime they may commit? and in such cases, are not those who owed them any duty, in consequence of such rights, freed from the obligation of paying that duty? And if they refuse to pay, where it is no longer due, will you say that such refusal is a breach of faith?—Permit me to put a case to yourself: Suppose you were owing a sum of money by bill or bond, to any person in this country; and that, before the day

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of payment came, your creditor should fall into rebellion ; and in consequence of that all his goods be confiscated to the crown : In this case, are you obliged by the law to pay your debt to him? Quite the contrary ; you are obliged by law not to pay it to him, but to the Exchequer. And if you should pay it to your creditor while he is under such forfeiture, you would be obliged by law to pay it again to the Exchequer : And if in this case you should refuse to pay your bill to the drawer, would this be breaking your faith to him? Or would it be a just inference to say, that because you thought yourself not bound to pay this debt to him, therefore you think it lawful to break faith with rebels? And yet this is precisely the sense of the authors you cite. They are speaking of the consequences of the laws, as they stood in those countries where they lived, which had force only in particular cases and particular circumstances ; and as those who by their crimes became obnoxious to these laws, were, by them, legally deprived of their civil rights in the cases specified, so there could not, even in them be any breach of faith, when the effects of these rights were denied them. But to draw from this an argument to prove that Roman Catholics think it lawful to break faith heretics, on any occasion whatsoever, is beyond all measure ridiculous.

Nothing will put this in a clearer light than to compare it to a similar case among ourselves. By the penal laws enacted in Ireland,

land, in the reign of Queen Anne, if a Roman Catholic possess a landed estate, and his son become a Protestant, he is thereby empowered to deprive his father of his estate, and to take possession of it himself, and to turn his father out of Doors when he pleases; and, alas! to the disgrace of human nature, that inhuman act has been numberless times put in execution since it was made. In this country, by an act passed in the reign of King William, in 1700, the next Protestant heir of an estate can turn out the Catholic possessor when he pleases and take the estate to himself; and the Protestant friends can take his children from him, and bring them up as they think proper: and by the same act, if a Protestant sells an estate to a Roman Catholic, and receives the price for it, he can the next day turn the Catholic purchaser out of doors, take back the estate into his own possession, and at the same time, retain every farthing of the price he received for it. Now, if any lawyer should think proper to write a commentary upon these laws, and unfold the consequences of them, after repeating the laws themselves, he might with all truth say,—

“ Whence it follows, that it is lawful for a
 “ Protestant son to deprive his Catholic father
 “ of his estate, turn him out of doors, and
 “ reduce him to beggary; for, because he is a
 “ Papist, he forfeits his title to all kind of do-
 “ minion whatsoever; *natural*, over his chil-
 “ dren, who, by his being Papist, not only
 “ become their own masters, but are entitled
 “ to rob him of all he has; *civil*, over his
 “ estate,

“ estate, the rights to which he totally loses;
 “ and *political*, over his vassals, who are no
 “ longer obliged to obey him; and that it is
 “ lawful for the next Protestant heir to do
 “ the same to his Popish kinsman.” Still
 further: “ That it is lawful for Protestants
 “ to cheat and deceive Papists;” to rob them
 “ of their money, under colour of a fair
 “ bargain; and to betray the sacred trust of
 “ confidence their Popish friend reposed in
 “ in them.” Suppose, I say, that any com-
 mentator upon these laws should draw these
 consequences from them, what would you
 think of them? Or what would you say to
 them? Suppose, still further, that the Ro-
 man Catholics in other countries, on reading
 these laws, and this commentary on them;
 and seeing from the laws themselves, that
 they were enacted out of a religious motive,
 and as a support and defence of the Protec-
 tant cause, should thereupon conclude, that the
 Protestants of Britain and Ireland were au-
 thorised by their religion, to subvert the most
 fundamental laws of God and nature in regard
 to Papists;—to break the most sacred ties
 of children to their parents;—to rob, cheat
 and destroy Papists wherever they could with
 impunity;—to break all faith, and stand to
 no bargain with them, &c. What would you
 think, good Sir, of such a conclusion?—But
 out of a regard to my country, I forbear
 making any further application, or pushing
 this theme as far as it would go. What I
 have already said sufficiently exposes the fu-
 tility

tility of your argument, and shews how incapable it is, in the most distant manner, to make good any part of your slanderous charge against the Roman Catholics.

I shall now take a view of Clement the VI.'s letter to the King and Queen of France: For though I have shewn above, that it is of no weight nor authority in itself, and that no regard is paid to it by any Catholic as an authentic deed, and on that account might justly supersede any further concern with it,—yet to convince you, reverend Sir, that your proof is lame in every article, and in every view in which you please to take it, I shall examine that letter also, and shew you, that the consequence you draw from it rises from no other source but your own ignorance of the matter, and your confounding the state of the question. To do this, I must premise a few remarks on the nature of promises and vows, as far, at least, as is necessary for my purpose.—A promise may be made either to God or man: When made to man it hath no other name but *a promise*; when made to God, it is also called *a vow*. A vow made to God may either be a simple promise, or a promise confirmed by an oath; and the same may be the case in promises made to man. Every just and lawful promise, whether to God or man, brings a strict obligation on the person who makes it to perform what he promises; and the person to whom the promise is made acquires a full right to exact the thing promised. A vow or promise made to God, in
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order to be agreeable to him, necessarily requires that the thing promised be worthy of his acceptance; and therefore that it be conducive, either to his glory, or to our own spiritual good, or the good of our neighbour; for if the thing promised to God by vow be either useless, or hurtful, or a hindrance to any greater good, such a promise, instead of being agreeable to God, or an honouring of him, would be affronting him; And indeed, if any such promise were made to ourselves, —for example, if a neighbour should solemnly promise to us, that at such a day he would give us a handful of sand, in testimony of his regard for us, we would look upon him as a fool, and his promise as an injury. As the person to whom the promise is made acquires a real and full right to the thing promised, it necessarily follows, that no power upon earth can dispense the promiser from the obligation of performance, against the will of him to whom the promise was made, because this would be unjustly depriving him of that to which he has acquired a just right and title. Hence the Roman Catholic Church always holds, that no power upon earth can dispense with any just and lawful promise, and especially if confirmed by oath, between man and man, to the prejudice of the person to whom the promise is made, and against his will. This needs no other proof than the testimony of St. Thomas of Aquin, in one of those very citations which Simanca refers to, namely, question xl. art. 3. where
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the question is, "*Whether it be lawful to deceive an enemy in time of war?*" To which the saint gives this answer: " * One may be deceived by the action or word of another two ways,---first by being told a falsehood, or when a promise is not performed; this is always unlawful; and no man ought to deceive his enemy by this means." Here, Sir, you see the real doctrine of this truly eminent divine of the Roman Catholic Communion; and which is also the real doctrine of that church herself; by which it is declared, that it is *always* unlawful to deceive our neighbour, either by telling him a lie, or breaking our promise to him; and that this ought not to be done, even to *our enemies*. Now, Sir, you confess you saw this in St. Thomas, and yet you shut your eyes against this glaring proof.

With regard to vows or promises made to God, the case is different; for though a vow of performing some pious or good work in honour of God, whether it be a simple promise or confirmed by oath, most certainly brings on a strict obligation of performing that work,---yet it may happen, in the mean time, that, from a change of circumstances,

* " Respondeo:—Dupliciter aliquis potest falli ex facto vel dicto alterius; uno modo ex eo, quod ei dicitur falsum, vel non servatur promissum; et istud semper est illicitum; et hoc modo nullus debet hostes fallere." St. Thom. 2. 2. 9. 40. art. 3.

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the thing promised may cease to be acceptable to God, or may even become useless, or hurtful, or a hindrance of some greater good, or stricter duty; or there may be other powerful reasons to believe, that the non-performance of the vow may be more acceptable to God than the performance of it. But as God Almighty does not appear to decide in such a case himself, and as it would be too dangerous to leave the decision of it to the person who made the vow,---hence it is the belief of the Roman Catholic Church, that Jesus Christ has given a power and authority to the pastors of his church, and especially to the chief pastor, to be judges in these cases, and either to declare the person entirely free from the obligation of performing his vow, when he sees just and solid grounds to judge that this is most agreeable to God; and this is called *a dispensation*; or if the case be not so clear, to free him indeed from the thing promised, but oblige him at the same time to do some other work of piety, which he judges more agreeable to God than the former, and this is called *a commutation*, or change of vows. This belief of Roman Catholics, that Jesus Christ has left such a power in the pastors of his church, is founded upon his own words in the gospel, where he first says to St. Peter in particular, " I will give unto thee the keys of the kingdom of heaven; and whatsoever thou shalt bind on earth shall be bound in heaven; and whatsoever thou shalt loose on earth shall be loosed in heaven." Matth. xvi. 19. And he afterwards repeats the same words

words to all the apostles in general, Matth. xviii. 18,

Now, Sir, as charity will not allow me to suppose that you knew this doctrine of the Catholic Church, and the difference she makes between promises made to God, and promises made between man and man, or that you wilfully blended these together, that by confounding the state of the question, you might the more easily and effectually blacken that church, I can therefore attribute your conduct on this point only to your ignorance; but had you known and reflected on what I have here explained, you would easily have seen that the indulgence contained in the letter of Clement VI. is wholly confined to vows or promises made to God, of performing some work of piety for his honour; and indeed it never was, nor ever can be understood in any other sense by any Roman Catholic who is in any degree instructed in what his church teaches on these matters: nay, the very words of the letter itself can admit of no other explication, and manifestly alludes to what I have shewn to be the belief of the church concerning these matters: for when vows of visiting the Holy Land, and the bodies of St. Peter and St. Paul, and vows of chastity and continency, are excepted from the indulgence,—does not this shew that the other vows which fall under the grant are only vows of the same nature, promises of doing some pious work made to God? And while the grant expressly says, that such promises and oaths are to be changed *into other works*

works of piety, alia opera pietatis, as the Confessor shall judge most expedient towards God, and for the good of their souls; does not this evidently imply, that the objects of these promises and oaths were only such other works of piety themselves, which, from a change of circumstances, could not be kept with that advantage to their souls as was at first expected when the promise was made? But is there a single hint in the whole letter of promises made or faith pledged to men? Not one. Hence, Sir, you will see how much the impetuosity of your zeal has here exposed you to the ridicule of the world; for the argument you draw against the Roman Catholics from this letter of Clement VI. stands thus: "This Pope grants power to the Confessor of the King of France to commute or change any vows the King has made, or may make, of performing some pious work, into other works of piety, when he (the Confessor) shall judge these last more agreeable to God, and more expedient for the good of the King's soul." Therefore, according to this Pope, *it is lawful to betray and lie on some occasions*, to our fellow-creatures, *and that not merely when the interest of the church may require it, but which, if possible, is still more infamous, when the parties cannot profitably keep them*; for this is the conclusion you draw from the letter, p. 7. I am really sorry, Reverend Sir, to expose a gentleman in this manner to the world, but you may please remember that you have forced me to it.

SECT. IV. *On the Decretals.*

I HAVE purposely reserved my remarks on your arguments from the Decretals till now, that I might treat that subject in a section by itself with the greater clearness and distinction. You seem every where to lay a particular stress upon this argument, and represent the Decretals as a testimony of the greatest weight with Roman Catholics. You tell us, p. 8. "That the Decretal of Gregory IX. is a part of the canon law confirmed by the Council of Trent, and so is one of the regulations of the Romish Church." You add, p. 20. "That Simanca quotes it as a fixed and settled regulation of the church." And p. 50. "That the republication of these Decretals, as regulations of the Romish Church, was in the year 1580, posterior to the Council of Trent, and consequently they cannot with truth be said to be obsolete, but must be allowed to be in force now; and as to contain the practices of the church since the Reformation, so to have nothing in them contrary to her avowed doctrine." However, Sir, notwithstanding this high idea you wish to impress in your reader's mind, I must again take the liberty to tell you that you are under a great mistake, and that the *Corpus Juris Canonici*, in which all the Decretals are collected, and many other things besides, is far from being a work of such authority with us as you imagine. It
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has been the practice of the Christian Church, since the earliest ages, frequently to call her Pastors together in council, to deliberate on such regulations for their own conduct, and for the government of their flocks, as they should see proper, and as the circumstances of the times might require: Accordingly, every particular Bishop is invested with the power of calling his clergy together, and, in concert with them, of prescribing rules for the management of his own diocese; Archbishops have a similar power of convoking their suffragan Bishops in a Provincial Council; the Primate of every nation is authorized to call together all the Bishops of that nation in a National Council; and it belongs to the Bishop of Rome, as Head of the Church, to call together all the Bishops of the different nations in a General Council, which of course represents the whole Church.

The objects which all these councils had in view, are reduced to two general heads: *1st*, To watch over the purity of the faith, and preserve their flocks from being seduced by false teachers. And, *2^d*, To enact proper regulations for what concerns the exterior of religion, and for preserving a proper discipline both in the Clergy and Laity.

It belongs only to General Councils to decide finally in matters of faith and doctrine; that is, to determine what is, or what is not, conformable to the truths revealed by Jesus Christ, and preached by his Apostles to the world;

world; and the decisions of a General Council in this matter are looked upon by Roman Catholics as the infallible test for discovering sound from erroneous doctrine, and to which therefore they think themselves bound in conscience to submit. The business of particular Councils, in points of faith, is not to decide finally, but to preserve untainted in their respective jurisdictions, what has been already decided by General Councils. With regard to discipline the case is different; every particular Council has power to make such regulations for the government of their respective flocks, as the particular exigencies of their flocks require. These have their full force within the jurisdictions of these Councils, but no where else, except in as far as they are expressly adopted in other places.

The rules and regulations made in any Council are called *canons*, which is a Greek word that signifies *a rule*, and sometimes they are also called *decrees*, because they are enacted or decreed by a lawful authority. The canons or decrees concerning faith made by General Councils are the same over the whole Roman Catholic Church, and have the same authority every-where; but the canons and decrees regarding discipline are often very different, and sometimes even contradictory in different places, and in the same place in different ages; because as they are only temporary laws, made for particular exigencies, as these exigencies must be very different and opposite in different countries, and in different

rent ages, the laws made on their account must be so also.

Now, though the canons of particular councils do not bind in those countries which are not under the jurisdiction of these councils, yet, as they are believed to be enacted with great wisdom, and well adapted to the circumstances in which they were made, it has always been thought useful to communicate them to other countries, that they might serve to give light to the Pastors of these countries, and direct them in their deliberations in similar circumstances.

With this view, and to render this communication the more universal, several collections of these canons have been made in different ages, and published to the world in one volume; and the most ample of the kind that has ever appeared, is what goes at present under the title of *The Body of the Canon Law*. This collection was first begun in the twelfth century, by Gratian, a Benedictine Monk, who inserted in it, not only the various and opposite canons of Councils, made on all different occasions, but also many spurious and false canons, false citations, false decrees of Popes, and many sentences of the holy fathers and ecclesiastical writers. In subsequent editions, endeavours were used to rectify these blunders; “ but after all (says “ Dupin), whatever reformation has been “ made, or can be made, to this work of “ Gratian, it is difficult, or rather impossible,
“ to

“ to give it the perfection it ought to have as
 “ a general collection of ecclesiastical canons or
 “ rules, to serve as a law.” Bibl. Ecclef. xii.
 age, ch. 17.

In Gregory the IX.'s time, in the thirteenth century, another collection was made of all the Decretals of the Popes, and canons of councils, from the time of Gratian's collection, and added as a second part to that collection. As the Popes were consulted from all parts of the Christian world upon all kinds of ecclesiastical matters, the answers they gave to these consultations were called sometimes rescripts, sometimes decrees; and were also regarded as very prudent and judicious rules of ecclesiastical discipline, in the various circumstances in which they were made; and obligatory in those places where they were received. Other rescripts and canons of subsequent Popes and councils were afterwards added to the former collections, till the work was formed which now appears as *The Body of the Canon Law*.

Now, Sir, to shew the reader the true idea which he ought to form of this collection of canons, let us suppose, that all the particular statutes and decisions that have been made both by the legislature, and by the inferior judges in England, Scotland, and Ireland, for only these last five hundred years, were collected together in one volume, and every decision and law, relating to the same subject, were classed together under one title, what
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kind of authority would such a body of laws have? Could it be called, with the smallest propriety, *the fixed and settled regulation of the British Empire?* In it we should find one law ordaining, and another abolishing the same thing; and a third establishing the quite contrary; one law in England, another in Scotland, a third in Ireland, all differing from one another, on the same subject; one law in force in one of those countries, and no manner of regard paid to it in the other two, and *vice versa*. Now, if this would necessarily be the case with three countries, all under the same government, and subject to the same prince, it will surely be much more so in a collection of the church canons, which have been made at different times, during the space of near eighteen centuries, on numberless different occasions, and in a variety of different nations, all differing from one another in their government, customs, and even in their language too; and it is equally ridiculous, or more so, to call such a collection of canons *the fixed and settled regulations* of the Church of Rome, as it would be to call the other collection of civil statutes *the fixed and settled laws of Great Britain and Ireland*. Yet both the one and the other collection would be of no small advantage to the respective rulers of church and state, and to those who applied to the study of the canon and civil law, as it would shew them great light in many particular cases, and be a direction to them in forming a proper judgment on these matters.

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Hence you see, that the decretals, and indeed the whole body of the canon law, as it stands in that Collection, is far from deserving those encomiums which you bestow upon it. Yea, so far are they from having that weight you suppose, that even the decrees of general councils regarding church discipline, are not always admitted in every country; and there are several of the canons and constitutions made by the Council of Trent itself, that regard matters different from faith, which, to this day, are not received in France, and some other Catholic countries: and if this be the case with decrees of general councils, it is much more so with the decrees of Popes; for though writers of your party against Roman Catholics, in order to render them ridiculous, pretend, that they believe the Pope to be infallible, and then throw out a thousand low unbecoming gibes on that subject,—yet so far is that from being an article of the Roman Catholic faith, that when the Pope emits any decree concerning any point of faith, it is not considered as binding upon the faithful, unless it be received and acknowledged as such by the body of the Bishops throughout the whole church; for then, and then only, is it considered as a decree of the church, whose authority, whether when assembled in a general council, or diffused throughout the world, is always the same: And as for the Papal decrees concerning matters of discipline, there are numbers of them which never were regarded in any Catholic country beyond the limits of his temporal jurisdiction.

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Having

Having thus rectified your misrepresentation of the nature and authority of the decretals in general, I shall now examine those among them which you have cited in particular. The first you bring, page 8. is a decretal of Gregory IX. to this purpose: "Be it known to all who are under the jurisdiction of those who have openly fallen into heresy, that they are freed from the debt (or obligation) of fidelity, dominion, and every kind of obedience to them, by whatever means or bond they are tied to them, and how securely soever they may be bound." I shall now allow that this decretal is genuine; tho', as far as ever I can learn, it is no-where else to be found but in the above collection of canons, and their commentators; let us then examine the sense of it: First, it speaks only of those who have *fallen into heresy*, that is, of those who are members of that church, and subject to her authority: *Secondly*, It Speaks of those who have *openly* fallen into heresy; that is, who have been *juridically* proved guilty of that crime; for the word *manifeste*, which you translate *openly*, when required in the Canon law to make a guilty person obnoxious to temporal punishment, means, that his crime be juridically proved, and sentence passed against him as guilty. Now we have seen above, that the legislature in every state has the power of depriving its own subjects of every civil right they enjoy, in punishment of the crimes they may fall into; and we have also seen, that the consequences annexed to excommunication by the law of God, and several express laws

laws made by the civil powers themselves, do, in fact, deprive excommunicated heretics of their civil rights. This being the case, in what other light can the above decretal be understood, but as a declaration of these penalties inflicted by the laws then in force on those who are guilty of the crime to which they are annexed? For the Pope does not say, *we ordain*, or *we decree*, or the like, which is the expression used when laws are enacted; but, "Let those who are under the jurisdiction of excommunicated heretics know, that these superiors, being, by the laws, deprived of all civil dominion over their vassals, they are, of course, freed from all obedience to them;" just as if the Lord Lieutenant of Ireland, before the late repeal, should have published a declaration to this purpose: "Let all Protestant children know, that they are free from the jurisdiction of their Popish parents, may turn them out of their estates when they please, and take them into their own hands." As the laws of Ireland lately stood, such a declaration could have been made with truth; but as it would be ridiculous, from it, or even from the laws themselves, to conclude, in general, that therefore the Protestant religion authorises children to dishonour and rob their Popish parents; so it is equally ridiculous in you to conclude, from the above decretal, that Catholics hold it lawful to break faith with heretics. Even in the execution of the decretal itself, if the legislature has a power to deprive its guilty subjects of their civil rights, there can be no breach of faith, much less can

it authorise any such thing in other cases which have no connection at all with that law.

The next decree you bring of Gregory VII. is as little to your purpose as the former; it is as follows: "We following the statutes of our predecessors, do, by our apostolic authority, absolve all those from their oath of fidelity, who are bound to excommunicated persons; and we, by all means, prohibit them to keep faith with them, until they make satisfaction."—This is your own translation, pages 22. and 49. Here there is not a single word of heretics, but a particular punishment inflicted upon notorious criminals, in particular circumstances; and this punishment is no other than what is a necessary consequence of the state they are in; for, as the law of God obliges us to fly from the company of excommunicated persons, to have no communication with them, and not even to eat with them, it follows, of necessity, that while they are in that state, all right or title they have to the service of others under their authority must be suspended; for if their right continues in force, and, consequently, if those under their authority be obliged to serve them, it is plain, they can neither avoid them, nor shun communication with them. Now, whether the law declares the guilty person to be deprived of his right, or those who are under his authority to be freed from their obedience to him, is it not one and the self-same thing? How is it possible for them to be obliged to observe their fidelity to him, and to avoid all company or communication

cation with him? If, therefore, the law of God commands us to avoid the company of an excommunicated person, it, of necessity, suspends all obligation of fidelity to him: But then, to produce this effect, it is necessary, by the same divine law, *first*, that the person excommunicated be a member of the Church, and under her authority; (for, as to *those that are without*, the Church has no concern, *God judgeth them*, 1. Cor. v. 13.): And, *secondly*, that all due admonition have been given beforehand, Tit. iii. 10. so that the person be obstinate and contumacious in his crime; and to this the Church herself adds, *thirdly*, that the crime be juridically proved upon him, and he be openly denounced as an excommunicated person. Now, by what shadow of reason can it be drawn from this, that Roman Catholics think it lawful to break faith on any occasion with Protestants who are not members of their Church, nor under her authority, and who neither have, nor can be juridically tried by her?—Could a more childish consequence be drawn, than this is, by any reasonable person? Perhaps you will reply, that the law of God commands us to *have no company* with evil doers, only *that they may be ashamed*, as St. Paul expresses it, 2. Thes. iii. 14. And is not the above decree of Gregory VII. in the same terms? Is it not evidently a medicinal punishment, only used to make the delinquent enter into himself, and return to his duty? for it is expressly added, that the prohibition of keeping faith with them, and, consequently, the forfeiture of their title to it, is only till they return

return to their duty, and make satisfaction. It is further to be observed; on this decree of Gregory VII. that it regards all excommunicated persons, and is not confined to heretics alone; and, consequently, you may as well contend from it, that Roman Catholics have a principle of breaking faith with one another as with heretics. In a word, it is self evident, that if the supreme authority, whether in church or state, has power to deprive any of its subjects of any of their civil rights, or to suspend them in punishment of any crime committed by them, when such forfeiture is actually incurred, there can be neither breach of faith nor injustice in those who refuse to give them that service to which these forfeited rights formerly intitled them, but to which they have now no more claim.

As you lay no stress on the expression taken from Martin V.'s letter to the Duke of Lithuania, I intended to have disregarded it also; but, as the Publishers of the Scots Magazine for September have given an ample compend of your Pamphlet, *instead of an Extract*, and placed the expression of Martin's letter as one of your proofs, on the same footing with the rest, I am under a necessity of taking some notice of it also; and what I say is, that, by the same rule by which that expression is brought to prove that Catholics hold it lawful to break faith with heretics, it may be proved from scripture, that *there is no God*, for that very proposition is found, word for word, in the 14th Psalm. If you reply, that a detached
pro-

proposition, taken by itself, can be no proof; without considering by whom, and in what circumstances, and on what occasion it is said, and then bid me take my Bible, and I will see the folly of such a proof,—I allow all this most readily, and only desire you to do the same with Martin's letter; show me the letter, and I shall show you the folly of bringing that proof from it.

I could not but smile when I read your argument taken from the decree of the Council of Trent, related by you, page 45. when I saw you foisting in the decrees of the Popes against heretics among the canons against those who violate the liberties of the church, and confounding faith with ecclesiastical immunities; it is such a proof of your ignorance of church affairs, as deserves compassion rather than a serious answer.

SECT. V. *Your account of Huss, and of the Council of Constance, examined.*

I come now to your last and greatest argument, in which you seem to exult with a particular confidence, and which takes up the greatest part of your Pamphlet. To go through and point out all the sophistry and misrepresentations which are contained in what you there advance, would swell out this letter to too great a bulk; I shall, therefore, go more directly to work; and, without seeking any other authority than L' Enfant himself, the
Protestant

Protestant Historian and professed apologist of John Hufs, will shew you a series of truths related by that historian, the force of which he basely overlooks, which vindicate the Council of Constance in the most convincing manner from even the very shadow of your slanderous accusation:—But, first, I acknowledge, that you have reason in blaming two citations from that History, by the author of the Detection, for not being exact; it is, however, a piece of justice due to the Detector, to assure you, because I can do it with truth, that it was neither his fault, nor with any design; he had not L' Enfant's History when he wrote the Detection, and was misled by another work, from which he transcribed these passages, and in which they were said to be re-copied from L' Enfant; so that it was not his fault; and that he could have no design, will afterwards appear, when I show, that notwithstanding all the stress you lay upon these passages, even as L' Enfant gives them, they do not, in the smallest degree, strengthen your cause. The copy of L' Enfant, which I have at present before me, and which I use, is the English Protestant translation, printed in London in the year 1730; and as the work itself is divided into books, and each book into numbers, I shall make all my citations by the book and the number, that you may the more easily consult them; and, for the better order, shall divide what I am to say into different inquiries.

I. The first thing I propose here is to inquire, whether or not the intention of John Hufs,

Hufs, in asking a safe-conduct, was, that it might exempt him from the judgment and condemnation of the Council, if found guilty, or from the punishment due to his guilt?—The following truths will give us the fullest evidence concerning this:

1. *Hufs was summoned to appear before the Council, and give an account of his doctrine. In consequence of his books, "Bohemia became the theatre of an intestine war.—As there were hopes that the Council might pacify these troubles, John Hufs was summoned to it, and he went thither with all his heart."* B. I. No. 23.

2. "Though he had not been inclined, it would have been very difficult for him to have excused himself, Sigismund (the Emperor) having written to Winceflaus (King of Bohemia, and the Emperor's brother) to send him thither." *Ibid.*

3. That he went thus willingly, and of his own accord, is also acknowledged by the Lords of Bohemia, in their letter to the Emperor, B. I. No. 61. and by John Hufs himself, who said, in the presence of the Emperor and others, "That there were so many nobles in Bohemia, who honoured him with their protection, that if he had not been inclined to come to the Council of his own accord, they could have put him into a place so secure, that neither the Emperor, nor the King

" King of Bohemia would ever have had the
" power to send him to it." B. III. No. 6.

4. John Hufs was fully " persuaded of his
" own innocence," B. I. No. 23. and willing
to be tried by the Council; and, in this per-
suasion, " He caused writings to be fixed up
" at the doors of all the churches, and all the
" palaces of Prague, to notify his departure,
" and to invite all persons to come to Con-
" stance to be witnesses, either of his inno-
" cence, or of his conviction." B. I. No. 24.
" John Hufs caused papers of this kind to be
" put up in every place on his road to Con-
" stance, as may be seen in his works." *Ibid.*
Copies of these papers are given by L' Enfant,
in the same number.

5. When Hufs's new doctrines began to
make a noise in Bohemia, he was delated to
Rome, and the Pope *summoned him to appear
before the Court of Rome.* Hufs refused to go,
and, for this contumacy, after *a year and a
half*, he was excommunicated by the Pope;
against which, " Hufs appealed to Jesus Christ,
" till the next Council," B. I, No. 23. or, as
our author words it soon after, " He appealed
to the Council." *Ibid. near the end.*

6. Hufs subjected himself to the judgment
of the Council, and offered willingly to un-
dergo whatever punishment the law inflicted,
if he should be convicted of teaching or holding
heresy. In the paper he caused to be fixed up
on all the churches of Bohemia, he says, " I
" make

" make it known to all Bohemia, and to the
 " whole world, that I shall go with the first
 " opportunity, and make my appearance in
 " the Council, where the Pope is to preside,
 " to the end that, if there be any one who
 " suspects me of heresy, he may repair thi-
 " ther, and demonstrate before the Pope, and
 " the doctors, whether I ever held and taught
 " any false and erroneous opinions; and if
 " they can convince me of any error, or of
 " having taught any thing contrary to the
 " Christian faith, I will readily submit to all
 " the pains of heretics." B. I. No. 24. All
 the Bohemian Lords who were of Hus's par-
 ty were of the same mind; for when they
 heard of his imprisonment before his condem-
 nation, they wrote to the Emperor, begging
 him " to procure the liberty of John Hus, to
 " the end that he may be justified if innocent,
 " or punished if guilty." B. I. No. 61.

7. Hus even held it as an article of his
 doctrine, which he declared before the Coun-
 cil, that " if a heretic will not renounce his
 " errors, after instruction, he ought to be pu-
 " nished corporally." B. III. No. 7. and there
 article 18.

Now, tell me, Reverend Sir, what do you
 think is the natural consequence that necessa-
 rily flows from these seven truths, so fully
 established by L'Enfant? John Hus appeals
 to the Council against a sentence which he
 thought unjust; he is summoned by his law-
 ful superiors to appear before the Council,
 there

there to give account of his doctrine, and have it judged; he cheerfully obeys the summons, and goes willingly, and of his own accord; he publicly declares, in the face of the whole world, that he is willing and ready to submit to the judgment of the Council, and to all the punishment the law ordains for heresy, if he be convicted of that crime. He even declares, as an article of his doctrine, that obstinate heretics ought to be punished corporally. Does it not necessarily follow from all this, that it never entered into his head to seek a safe-conduct from the Emperor, to defend him from the judgment of the Council? And, indeed, how ridiculous would it have been, after such declarations, to have desired the Emperor to give him security, that though he should be found guilty, neither the Council should be allowed to condemn or punish him, nor the civil laws against obstinate heretics be executed upon him? Hence, it evidently follows, that the safe-conduct was never sought, and, consequently, never given as a defence against the consequences of his crime, if found guilty; and, therefore, when the Council, upon his being found guilty, condemned him to be degraded and delivered over to the civil power, and when the civil power, in consequence of his being found guilty, punished him with death, as the law ordained, neither the one nor the other could possibly be guilty, even in the smallest degree, of a breach of any faith pledged to Hús by the Emperor's safe-conduct.

II. The second thing to be considered is, whether the Emperor intended, by his safe-conduct, to hinder the judgment of the Council against Hufs, and to exempt him from the consequences of his condemnation, if he should be found guilty?—The negative of this is a necessary consequence of what I have just now proved; for if Hufs never asked the Emperor to defend him from the judgment of the Council, nay, if he openly protested, that he was willing to stand to that judgment, how could the Emperor even dream of giving him a safe-conduct of that nature? By all that I can gather from L'Enfant, it does not appear, that the Emperor was personally acquainted with Hufs, or that he ever saw him till they met at the Council; however, he had been fully informed of the disturbances raised in Bohemia by Hufs's doctrine; he knew it had been condemned by the clergy as erroneous, he knew that Hufs loudly asserted the contrary, and protested his innocence; that he appealed to the Council, and declared he was willing to be tried there, and to stand to its determination, if found guilty: And the Emperor was so far inclined to believe him innocent, that he wrote to the Lords of Bohemia, as L'Enfant pretends, that "he was very glad to hear of Hufs's design to go to the Council, in hopes that there he would justify himself." B. I. No. 57. In these circumstances, Hufs applies to the Emperor for a safe-conduct to go to the Council; could the Emperor even imagine, he wanted this to exempt him from the judgment of the Council? Let us suppose Hufs had explicitly

citly demanded such a safe-conduct, and told that he was willing indeed to go and be tried by the Council, and was confident he could defend his innocence; but begged the Emperor, that, in case it should be otherwise, and the Council should find him guilty, and condemn him, he would defend him from all punishment, and allow him to return in safety to Bohemia; suppose, I say, such a proposal had been made to the Emperor, what would he have thought of it? Would he not have spurned at it with indignation, as an insult of the deepest dye? Huss was accused of preaching, not only heretical, but seditious doctrine; disturbances and embroils had already been raised in Bohemia by means of his doctrine, he was willing to have it tried at the Council, but would have the Emperor to promise him security against the necessary and legal consequences of such trial if found guilty; and that he should be allowed to go home in safety, and continue to preach his errors, and raise sedition as before! What a ridiculous demand would this have been! It is equally ridiculous to suppose, that it ever entered into the Emperor's head to give him a safe-conduct for such a purpose. Nay, how far the Emperor was from such a thought, the following truths will make manifest.

I. "The Emperor declared that the Council was free to act as they pleased in matters of faith; that they might proceed according to the rules against such as were notoriously tainted with heresy, and judge them
" according

" according to their deserts, after having
 " heard them publicly." B. I. No. 57.

2. After Hufs's second public hearing, the Emperor, seeing his doctrine and conduct in a very different light from his former vaunts and boastings, and that he now refused to submit to the Council, earnestly exhorted him not to persist in his obstinacy but submit, and declared that he had " given him a safe-conduct, " and put him under the protection of two " Bohemian Lords, to the end that no injury " might be done him, and that he might speak " with freedom, and give an account of his " faith in full council;" and he appeals to Hufs himself, " that the council had so well " answered his intentions, that he cannot " enough thank them:" He then exhorts him to submission and obedience, and promises, if he does so, that he shall retire with the good will of the council; but if not, he concludes thus, " For our part we shall be so far from " supporting you in your errors and obstinacy, " that we will with our own hands kindle the " fire to burn you, rather than tolerate you " longer." B. III. No. 6.

3. At Hufs's third hearing before the council, all the errors laid to his charge were produced one by one and examined; and after all was over, *and Hufs was withdrawn, the Emperor delivered his opinion to the council in these terms:* " You have heard the articles laid to " the charge of John Hufs. In my opinion, " there is not a single one among them that
 " does

“ does not call for the punishment of fire. If
 “ therefore, he do not retract all, I am for
 “ having him burnt. And even though he
 “ should obey the council, I am of opinion
 “ that he should be forbid to preach or teach,
 “ or ever to set foot again in the kingdom of
 “ Bohemia. For, if he be suffered to preach, and
 “ especially in Bohemia, where he has a strong
 “ party, he will not fail to return to his natu-
 “ ral bent, and even to sow new errors worse
 “ than the former.” B. III. No. 12. The be-
 haviour of Huss’s followers in Bohemia, the
 seditions they raised, the devastations they
 committed, and the bloody wars they carried
 on for many years, show that the Emperor was
 no bad politician in this opinion.

From these three facts, thus clearly esta-
 blished by L’Enfant, it evidently appears,
 that the Emperor was very far from ever in-
 tending to hinder the council to act with all
 freedom in judging John Huss; and much less
 to free him from the condemnation of the
 council, or from the punishment due to his
 crimes by the civil laws, if he should be found
 guilty; consequently he did not give the safe-
 conduct, with the intention of exempting Huss
 from the punishment he might be found to de-
 serve. And if so, it necessarily follows, that
 Huss being condemned by the council, and
 delivered over to the civil power to be punish-
 ed as their laws ordain, the Emperor, in or-
 dering him to be burnt according to these laws,
 was by no means guilty of any breach of faith,
 or of acting contrary to the safe-conduct he
 had

had given him; and much less was the council itself guilty of any such breach of faith against the safe-conduct, in condemning Huss as his crimes deserved.

III. The third thing to be done is to examine what was the real intention of the safe-conduct, for what end it was asked, and with what view it was given? This will evidently appear from the following truths, acknowledged and related by our author.

I. The University of Prague was divided among four nations, to wit, Bohemia, (of which Prague is the capital), Bavaria, Poland, and Saxony, and these three last were included in one, under the name of the German nation. These being more numerous than the Bohemians, who were the natives of the country, but who at that time neglected their studies very much, insensibly became masters of three votes in all their academical deliberations, and, by these means, of all the profits of the University. John Huss, perceiving the disgust this gave to some of his countrymen, joined in an application to Court for redress, and had the interest, especially by means of the Queen, to procure a decree, whereby the Bohemians were to have three votes, and the German nation only one. The Germans, provoked that they had lost their cause, and by that means their privileges, deserted the University by thousands: And John Huss was chosen Rector. See for all this, B. I. No. 22, 23. This conduct of Huss procured him the

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enmity

enmity of all the Germans, and when soon after he was summoned by the Pope to appear at Rome, the Court and University sent a deputation, to desire the Pope to dispense with his appearance, and gave this for a reason, "Because it was not safe for him to go to Rome, by reason of the enemies he had in Germany." B. I. No. 23. And in his appeal from the sentence of excommunication pronounced upon him by the Pope for contumacy, he gave this as one excuse for his not appearing, "Because ambushes were laid for me on the road." Ibid. And our author again acknowledges, that when he set out from Prague, to go to the council, "he had indeed a great many enemies in Germany." No. 25.

2. The Emperor himself, in the council, declared to Hufs, "That he had given him his safe-conduct, and placed him under the protection of two Bohemian lords before he left Prague," who accompanied him the whole way, "to the end that no injury might be done him, and that he might speak with freedom, and give an account of his faith in full council." And when the Emperor had finished his discourse, John Hufs "gave him immortal thanks for the safe-conduct he had granted him." B. III. No. 6.

These facts, together with those above, let us see at once the nature and purport of the safe-conduct. Hufs was most willing to go to the Council; he was so confident of his innocence that he feared nothing there; he even willingly

willingly submitted himself to the judgment of the Council, and had appealed to it: But in going from Prague to Constance, he had to make across all Germany, a journey, which took him up from the 11th of October, till the 4th of November. In Germany he had many enemies; and had refused to answer the Pope's summon to Rome, for fear of these enemies, and because ambushes were laid for him on the way.—Here we have a natural and adequate cause for demanding the Emperor's protection against any attempt that might be made to hurt him by these his enemies, either by the way going to the Council, or at Constance itself, or upon his return home, if he was found innocent, as he was confident would be the case. Accordingly the Emperor, in full council, declared to Hufs, That this was the end for which he gave him the safe-conduct, and committed him to the protection of two Bohemian lords, during the whole journey, *that no injury might be done him*; for which Hufs gave him immortal thanks. In like manner, when Hufs applied to the Pope for his protection, he gave him the same assurance, that he should protect him from any *injustice*. From all which it is evident, that the sole end for which the safe-conduct was sought by Hufs, or given by the Emperor, was to protect him from *injury* and *injustice*, but by no means to exempt him from the punishment due to his crimes by the laws, if he was found guilty.

This is still further manifest, from the words of the safe-conduct itself, which, as you do not favour your readers with an English translation of it, I shall here transcribe from my Protestant translator, B. I. No. 39.—‘ Sigismund, by the Grace of God, King of the Romans, &c. to all Princes as well ecclesiastical as secular, &c. and to all our other subjects, greeting. We affectionately recommend to all of you in general, and every one of you in particular, the Honourable Mr. John Hufs, B. D. and M. A. the bearer of these presents, *going from Bohemia to the Council of Constance*: Whom we have taken into our protection and safe-guard, and into that of the Empire, desiring you, *when he comes amongst you*, to receive him well, and entertain him kindly, furnishing him with all necessities for *his dispatch and security*, *whether he goes by land or water*, without taking any thing from him or his, at coming in or going out, for any sort of duties whatsoever; and to let him freely and securely pass, sojourn, stop, and repass: and *providing him*, if need be, *with good passports*, for the honour and respect of our Imperial Majesty. Given at Spire, 18th October 1414, &c.”

Now, good Sir, I beg of you, for the sake of truth, honour, and conscience, to say, if there be any one expression in all this safe-conduct which gives the least insinuation of exceeding Hufs from the judgment and condemnation of the council, if found guilty: or indeed, if any other sense or purport can be

be drawn from it, but a protection from all injuries and molestation during his journey, whether in going to Constance, or in returning from it; and a warm recommendation to shew him all civilities and good offices by the way. He is recommended to all the Emperor's subjects as a person going from *Bohemia to Constance*; they are desired, *when he comes among them* to receive him well, &c. and to furnish him with all necessaries for dispatch and security, *whether he goes by land or sea*; and also to provide him with good passports, when he goes from one place to another. Does not all this evidently relate to his security during the journey only? Can malice itself draw any other sense or meaning from it? It is true, indeed, the Emperor, from the confidence Hufs always seemed to have of his own innocence, *hoped he would justify himself* at the council, (B. I. No. 57.), and if so, would need the same protection from his German enemies in returning home as in going to Constance; and therefore he extended the safe-conduct to his return also, and required of all to use him as above-mentioned; and give him all manner of freedom and security, to go, stay amongst them, or even to return again: But could any thing be more ridiculous than to pretend, that, because the Emperor desires all to use him well on his journey, and let him both go and return with freedom and security, he therefore binds himself to exempt him from all the effects of his crimes, and gives him security that, even though found guilty, he shall be allowed to return? If the Emperor had in fact given him

him such a security, it is plain, he would have acted like a fool, and contrary to all justice and to the public good; for, to what purpose call a council, and bring a criminal to be judged by it, if security be given him that, even though found guilty, he should be protected from the laws, and set off without punishment? Did it ever enter into the mind of any man who had a grain of common sense, to suppose a safe-conduct of this nature? But (though there were any dubiousness in the expression) the Emperor himself has sufficiently cleared it up, when he told Huss in open council, that "he had given him a safe-conduct *that no injury might be done him*, but by no means to screen him from justice; for that *he himself would, with his own hands, kindle the fire to burn him*, if he continued obstinate in his wicked doctrines."

From all this we must again conclude, that John Huss, being found guilty and obstinate, was justly condemned to degradation and death, according to the ecclesiastical and civil laws then in being; and that neither the council nor the Emperor were in the smallest degree guilty of any breach of faith in condemning him. And, indeed, this point is so very clear and evident, that even L'Enfant himself fairly allows it; his words are these: "The Emperor's safe-conduct was not violated so much by the execution of John Huss as by his imprisonment: For, if, after an examination, according to due course of law, the council had found John Huss a heretic, *they were in*
the

“ *the right*, according to the usage of those
 “ times, to sentence him to the flames, and
 “ and deliver him over to the secular arm.” B.
 iv. No. 32.

Having thus cleared up the nature and pur-
 port of the safe-conduct, the cause of asking
 it, and the intention of giving it, I shall now
 leave it to your own conscience, and to the
 impartial public, to decide what judgment
 common sense must make of the following
 passages in your pamphlet. “ If the Empe-
 “ ror’s safe-conduct to John Hufs, as related
 “ by L’Enfant, does not bear, that the culprit
 “ was to return *from*, as well as to *pass to*, the
 “ council of Constance, I am willing to be con-
 “ sidered as deep in guilt as those execrable
 “ wretches you speak of.” p. 31.

“ As the council delivered over the unhap-
 “ py prisoner to the secular arm, which was a
 “ ceremony preparatory to his being put to
 “ death, after which nothing was wanting
 “ but his execution,——notwithstanding of
 “ Hufs’s safe-conduct, it is demonstration to
 “ the world, that the members of it did not
 “ believe Hufs’s passport to be obligatory, or,
 “ in other words, did not believe it was ne-
 “ cessary to keep faith with him,” &c. p. 32.

“ Instead of exerting their authority to save
 “ the unfortunate man, as honour, conscience,
 “ principle, every thing that is sacred among
 “ men, required them to do,—in spite of all,
 “ and in the face of every obligation and bond
 “ where-

“ wherewith men can be bound, they gave
 “ him over to the secular arm, on *purpose* that
 “ he might be put to death, and, in so doing,
 “ were guilty of the most detestable perfidy;
 “ and not merely art and part, but *principles*
 “ in his murder; the *sentence* being theirs,
 “ and the *execution only* the act of the civil
 “ powers.” p. 33. A charitable, indeed, and
 humane conclusion! and solidly founded!

“ To say farther, *with the council*, that Huss
 “ might not only be judged, but punished, as
 “ justice shall require; if by punishing him is
 “ meant any thing more than depriving him
 “ of Christian communion by excommunica-
 “ tion; and, particularly, if it supposes that
 “ he might be imprisoned, though under the
 “ guardianship of the Emperor and empire,
 “ and even the council itself, that is to main-
 “ tain at once the most nonsensical, and the
 “ most detestable doctrine.” p. 35—36.

“ In poor Huss’s case, the Emperor did not
 “ do all that was in his power to do; conse-
 “ quently, as he promised him *a safe return*
 “ from the council, and yet did not save him,
 “ when he might have done it, his Majesty
 “ stands condemned of *perfidy*, and even *mur-*
 “ *der*, by the verdict of a general council.”
 p. 40.

The intelligent reader will easily see, from
 what is above, with how much falsehood, mis-
 representation, uncharitable declamation, and
 unfair reasoning, all these passages are filled,
 which,

which, though they give full proof of the violent zeal of the author for the support of his cause, yet surely do no honour either to his knowledge or humanity, and much less to his Christian charity.

IV. The next thing to be examined, is, whether the faith given to Hufs by the self-conduct of the Emperor, was broken by his imprisonment; which is another part of your accusation, and is the thing L' Enfant chiefly insists on; for, after acknowledging that, having found him a heretic, "they were in the right, according to the usage of those times, to sentence him to the flames, and deliver him over to the secular arm;" he immediately adds, "but to imprison him before they had examined him; and even after he had declared that he would submit to the Council, and that he was ready to retract as soon as he should be convicted of heresy, was a notorious infraction of the public faith."

B. iv. No. 32.

To proceed with clearness and precision on this point, we must first consider, the nature of a safe-conduct, and the obligations that flow from it, on the part both of those who give, and of those who receive it: When a person accused of any crime is summoned to appear before his lawful judge, and refuses to come, this refusal must arise either from a consciousness of guilt, or an apprehension of violence. If from a consciousness of guilt, and of the impossibility of concealing it upon his trial,

trial, no safe-conduct whatsoever will induce such a one to appear if he can avoid it: A promise of indemnity, upon his submission, is the only thing that will engage him to give up himself to the hands of his superiors: but if a person be innocent, or is fully persuaded he is so, he can have no reasonable pretext to refuse being tried, but only the apprehension of violence; and this violence he may apprehend, either from his judges, as if they would not give him a fair trial, or from the danger of going to the place of judgment, by reason of enemies on the way: In either of these cases, a safe-conduct, from a proper authority, is a sufficient remedy to his fears, and gives a full security both of his having fear play at his trial, and of being preserved from all injury on his journey. Consequently, such a safe-conduct obliges those who give it to see it fully performed in both its parts. But on the other hand, the accused person who receives it contracts also his obligations of demeaning himself as an obedient and peaceable subject; and it is particularly incumbent upon him, not to abuse the safe-conduct given him, nor, under pretext of that, to fly in the face of the law, and commit new crimes, or even to persist in those of which he is accused, and for which he is going to be tried; for certainly it can never be supposed, that a safe-conduct can authorise one to disobey the laws, or screen him from the punishment due to such disobedience. In this you will readily join issue with me, "For strangers," you acknowledge, page 28, "as well as natural born subjects, are obliged,"

" both

“ both by the law of God and nations, to
 “ obey the lawful rescripts of the supreme
 “ powers, in every kingdom or state where
 “ they reside for the time being; protection
 “ and obedience being so far undoubtedly re-
 “ ciprocal:” Consequently, one who receives
 even a special personal protection from any
 power, by means of a safe-conduct, is doubly
 obliged to a reciprocal obedience; and if he
 refuses this obedience, he certainly forfeits his
 protection.

We have seen that Hufs had no apprehen-
 sion of injustice from the council; he appeal-
 ed to it; he went to it willingly; he subject-
 ed himself to its judgment; but he had ene-
 mies by the way, and of these he was afraid.
 He asks a safe-conduct, and he gets it, not on-
 ly to protect him from all injury on his jour-
 ney, but also, to give him all manner of liber-
 ty to speak for himself on his trial; and with
 this he arrives safe at Constance. But as this
 special protection had been readily given him,
 he became strictly bound to demean himself
 with all submission and obedience to the laws
 then in being, and to the just commands of his
 lawful superiors:—We must now enquire if he
 did so.—The following facts from L’Enfant
 will direct us in this inquiry.

i. “ When the Germans were expelled the
 “ University of Prague, the Bohemians began
 “ to dogmatize more publicly against the cler-
 “ gy, according to the notions of Wickliff.
 “ John Hufs, who at that time was chosen
 “ rector,

" rector, spoke openly of him as a saint, in his
 " public lectures, and in his sermons, and soon
 " brought over great numbers to his party.
 " This coming to the knowledge of the Pope,
 " he ordered the Archbishop of Prague to use
 " all his diligence to stop the progress of these
 " innovations; who thereupon caused Wick-
 " liff's books to be burnt, and interdicted
 " John Hufs from preaching.—But notwith-
 " standing this he continued preaching, and
 " in his sermons makes honourable mention
 " of Wickliff, and blames the Archbishop for
 " the interdict. In the mean time his erro-
 " neous doctrine is dilated to Rome; he is
 " summoned by the Pope to appear before
 " him, to answer for himself; he refuses to
 " go; his doctrine is condemned, and himself
 " excommunicated; from which sentence he
 " appeals to the Council. Continuing obsti-
 " nately to go on his own way, he is again in-
 " terdicted by his bishop, and forbid preach-
 " ing at Prague; upon which he retires, and
 " writes several tracts in defence of his doc-
 " trine; and particularly his Treatise on the
 " Church, from whence most of the articles
 " for which he was condemned were extracted;
 " and another, which he calls the *Six Errors*,
 " and which was received with great greediness
 " by the greatest part of Bohemia." For all this
 " see L'Enfant, B. I. No. 23. where he also ob-
 " serves, that by this means, and the opposition
 " he met with from the other party, " Bohemia
 " became the theatre of an intestine war."

Here

Here we have a very strange picture of Huss's disposition: He is bound by the strictest ecclesiastical laws, and by his own solemn promise, made at his ordination, to obey his bishop; his new doctrine causes great disturbance, his bishop interdicts him from preaching, and he disregards his commands and preaches still, and even blames his superior for forbidding him. His doctrine is delated to the supreme Judge in his Church, who summons him to appear; he refuses to go; his doctrine is condemned, and himself excommunicated. This sentence, by all the ecclesiastical laws, obliged him not only to desist from preaching of any kind, but also from officiating in any ecclesiastical duty: he despises all that, and goes on as before: His bishop again prohibits him from preaching in the city of Prague; and as he could not resist this particular order under his bishop's own eye, he retires, but in his retirement composes books filled with the most pestiferous doctrines, and publishes them every-where to corrupt the people. However, all this was done before he set out for Constance, or got his safe-conduct; nor, but when he gets that protection, and is going to the place where he is to be tried, does he show any more regard for the laws, or for the orders of his superiors?—Whatever his own idea of his doctrine may have been, he knew it was a novelty, and quite contrary to the doctrine then established in the Christian world: He knew it had raised great disturbance in his native country; he knew it was again and again condemned by his lawful superiors; he knew he

was

was expressly forbid by them to preach it, at least till the Council to which he had appealed should give judgment about it; he knew he was excommunicated by the highest authority in the church; he knew that this excommunication obliged him, by all the laws then in force in the church, to abstain from preaching or teaching of any kind, much more from preaching a doctrine condemned as erroneous by his lawful superiors; and also from administering the Sacraments, celebrating the divine office, or any other ecclesiastical function; and consequently was doubly obliged, whilst under the protection of his safe-conduct, faithfully to obey and submit to all these duties. Let us see, then, what account L'Enfant gives of his behaviour.

2. He tells us, that at Pernaw, Weyden, Sulzback, and in general, in all the places through which he passed, he never failed to have public and private conferences with numbers, and spread his doctrine among the people; and that *"all that can be gathered from his own account is, that he seemed very well pleased with the good reception that was given him every-where, both to his person and doctrine."* B. I. No. 25.

3. Notwithstanding this behaviour on the way, when he arrived at Constance, he was most courteously received by the Pope, who assured him of his protection against all injustice: Nay, he went still further, he even took off in a great measure, the excommunication; allowed

allowed him to say mass in private, and only forbade him to appear in the churches in public, *in order to prevent scandal, and popular combustion*; but he was by no means allowed to preach; and *it appears that they were very much afraid he would do so; yet it is certain John Hus expected to preach in public; and we find two Sermons he had prepared for that purpose, inserted among his works, B. I. No. 26.* One should think, that so much lenity and indulgence, notwithstanding his behaviour on the journey, should have made him the more submissive and obedient in observing the restrictions he still lay under; let us see if it did so.

4. In order to preserve the legal formalities, two divines of Prague were commissioned to act as his accusers, and bring in what charge was laid against him; they are represented by L'Enfant, from Hus's own testimony, as acting with great ardour against him; and then he adds: " 'Tis true, that as he had his safe-conduct, and the Pope's promise to rely on, he talked in his own house with a great deal of freedom, maintaining his doctrine either in his conversation or compositions; he also said mass every day in a room near his bag-nio, in presence of all the neighbourhood who crowded to see him." B. 1. No. 35.—Now, Sir, I appeal to yourself, if this behaviour was not a manifest abuse of the lenity shown him, and a perverting his safe-conduct, by using it as a cloak to fly in the face of his lawful superiors, and disobey their commands. But this is not all:—

5. The

5. The bishop of Constance, whose immediate duty it was to preserve his own flock from all bad doctrine, seeing him go on this way, "sent his vicar and official to him, to represent to him, that as he was excommunicated not only by the Pope, but by the Council too, he should not offer to say mass; but that John Hufs declared, he did not care a rush for the excommunication, and that he would say mass as often as he could." Ibid. Here we see John Hufs at defiance with his lawful judges, contemning their authority, disregarding their commands, and persisting in his own way, in open obedience to them. It is true, L'Enfant, who relates this last affair from Reichenthal, a contemporary author, who was present at the Council, would faintly question the truth of it, *because, says he, the Pope had taken off the excommunication, as I before observed; besides it is certain he had not yet been excommunicated by the Council; but tho' the Pope had taken off the excommunication as to the interior and main part; yet he had expressly forbid him to say mass in public or dogmatize, and in both these Hufs had as expressly disobeyed his orders; besides, this answer of Hufs to the Bishop's vicar is entirely conformable to the doctrine he taught; for in the book of Six Errors, which he published before he left Prague, as L'Enfant himself relates, the fifth article he there attacks as an error is, "That excommunication binds, and actually excommunicates a person against whom it is fulminated, whether it be just or not."* B. I. No. 23. Now no obstinate cri-

mina

minal will think he deserves that punishment, and therefore, if he be of Hufs's opinion, will disregard it as Hufs did.

This being the case, I appeal to the common sense of all mankind, whether Hufs did not forfeit all right to protection from his safe-conduct by such behaviour? But what was to be done? They saw his obstinate head-strong disposition; they saw, if left to enjoy that liberty with which they had hitherto indulged him, he would still go on to spread his pestiferous doctrine among the people, and corrupt their minds both by word and writ; they therefore wisely resolved (and were certainly bound in duty to their charge, as guardians of the faith of the church to do so,) to deprive him of that liberty which he so obstinately abused, in open violation of the safe-conduct, and of the obligations which his getting it laid upon him; that by detaining him in safe custody, they might at least prevent his doing more mischief.

6. But before this resolution was put in execution, Hufs himself, after what passed with the Vicar, began to be afraid; and to think of making his escape, conscious how little he deserved the protection that was given him. Accordingly " he took his measures for this purpose, by hiding himself in a waggon that " was going to the country, and belonged to " Latzenbock, one of the two lords under " whose protection he had come from Bohemia, and with whom he was staying at Constance; but being discovered, he was carri-

" ed by Latzenbock himself to the Pope's pa-
 " lace; this raised a great noise, and brought
 " together a vast crowd of spectators: Hufs
 " hearing them talk of putting him in prison,
 " leaped off his horse, and threw himself a-
 " mong the crowd, in hopes of getting off,
 " but was seized and put under a guard in the
 " Pope's palace." B. I. No. 62. This relation
 " on L'Enfant gives us from Dacher and Rei-
 " chenthal, two German historians, of whom he
 " gives the following account: "Dacher was
 " present at the Council, was a counsellor of
 " the Elector of Saxony, in great esteem with
 " him, as well as with many other Princes
 " who were all at Constance. Moreover, his
 " preface shews him to be an honest man, and
 " mighty zealous for the reformation of the
 " church. Nor can he be suspected of preju-
 " dice against John Hufs, of whom in the
 " same preface he speaks very favourably. Fi-
 " nally, as he had orders to make an exact list
 " of all the foreigners that were at Constance,
 " he could hardly be ignorant of any thing
 " that passed in the city, was it ever so tri-
 " fling, much less an affair of such import-
 " ance. Reichenthal appears to be an author
 " as much to be relied on as Dacher. He was
 " a canon of the cathedral of Constance, a
 " man of great reputation, and a favourite
 " with Sigismund and several other Princes.
 " He was present at the Council from first to
 " last, and was employed in it in several affairs.
 " —One would not easily believe, that two men
 " of such weight and character could be capa-
 " ble of risking their honour, by advancing
 " a fact

" a fact of this nature, if it had not been
 " true." B. I. No. 62. Indeed one should
 think, after this account of the matter, that
 the fact could admit of no doubt, without de-
 stroying the credit of all history; as it seems
 impossible that any fact could be better attest-
 ed; but L'Enfant, seeing it impossible to ex-
 cuse Huss, if his attempt to fly away be true,
 —he therefore endeavours to call the truth of
 this narration in question. His reasons are
 these: 1^{mo}, " Because these two authors who
 " relate it compared their histories together,
 " and communicated their memoirs to each
 " other." 2^{do}, " The silence of the acts is
 " next to a demonstration: for it does not ap-
 " pear why they should not mention the flight
 " of John Huss, as well as they do that of
 " Jerome of Prague." 3^{to}, " Why did they
 " make his conversation and conduct at his
 " own house a pretence to arrest him, when
 " his withdrawing himself so clandestinely
 " would furnish so natural an occasion?" 4^{to},
 " Much less would they have had recourse to
 " that scandalous maxim, that a Prince is not
 " bound to keep faith with heretics; as they
 " made Sigismund believe, in order to excuse
 " the violation of the safe-conduct: They had
 " no occasion to say any thing more, than that
 " John Huss had rendered himself unworthy
 " of it by his flight." 5^{to}, " Nor is the si-
 " lence of other contemporary authors a weak
 " reason to question the truth of this fact."
 6^{to}, " It appears from the acts, that Huss was
 " apprehended on the 28th of November
 " 1414, and after that never had his liberty;

" it is therefore impossible he could be at his lodgings in March 1415, to contrive his escape." B. I. No. 62. These are the reasons at full length, which L' Enfant alledges to invalidate the account of Hufs's attempt to fly, which he had before so well established. Now as he allows, in these very reasons, that this flight, if true, makes Hufs inexcusable, and fully vindicates the Council from any violation of the safe-conduct, *by rendering him unworthy of it*; and as you affirm, p. 27. that *there is no good evidence for his flight, but quite the contrary*, it is necessary to establish this point, and see the weight of the evidence on both sides.

The evidence in proof of the flight I have given above from L' Enfant in his own words; the reader will judge of its force.—To that against the flight, which L' Enfant so strenuously contends for, I shall give the following answers: *imo*, That these two authors composed their histories together, we have only L' Enfant's word, but he alledges no authority to prove it. But though true, it rather confirms the truth of their account than weakens it; as it is scarce possible to suppose that two men, of the character he gives of them, should combine together to assert a fact of that public nature, of which they must both have had personal knowledge, and in which, if not true, they could not fail to be detected. Had he said, the one, ignorant of the fact himself, copied from the other, it might have passed for the testimony of one; but to say, that they both

both conspired against their conscience is scarce credible. 2do, I have the acts of the Council before me, the Roman edition printed by authority: I do not find any mention in them of Hus's imprisonment; shall we therefore conclude he was never imprisoned? the case is, The acts only relate the *judicial acts* done in full Council, and what is connected with them; not every extrajudicial act done by inferior judges between the sessions, much less any accident that happened in the city, such as Hus's flight and arrestment was: But Jerome of Prague had fled from Constance, and refused to come back without a safe-conduct from the Council, which was accordingly sent him. B. II. No. 48. This therefore was a judicial act of the Council, and required the cause of it to be mentioned. 3tio, The reason why his conduct at his own house was given as the pretence for arresting him, is, because it was the real and the principal cause, and the cause worthy of the Council to give; his flight was only an additional cause, which might indeed accelerate the imprisonment, and hasten them to execute their resolution; but the principal cause was his obstinacy in flying in the face of authority, and persisting, both by his words and writings, in propagating his impious doctrines among the people, and in saying Mass publicly, contrary to the express and repeated orders of his lawful superiors, and in openly contemning their authority when reprimanded by them. 4to, I shall by and by shew, that it is false that the Council alledged that scandalous maxim here laid to their charge,

charge, and that the conduct of the Council was perfectly consistent in all this affair. 5to, The silence of cotemporary authors is easily accounted for; they were either foreigners, or living in other parts of Germany, and had no opportunity of knowing every incident that happened at Constance during the time of the Council, which was not inserted in the public acts; and therefore either never heard of the intended flight of Hufs, or heard of it only by report, and, like the Council itself, did not think it of such importance as to insert it in their histories by hearsay: But Reichenthal and Dacher were two eye-witnesses, and related what they saw with their own eyes, against which the silence of others that were not there, but at a distance, can have no weight. 6to, I can find nothing in the acts themselves, either concerning the flight or imprisonment of Hufs, and I observe, that though L'Enfant says the date he speaks of appears from the acts, yet in the margin he does not even cite the acts at all. At any rate a mistake in a date, which might be owing to copyers or printers, can never invalidate a circumstantial account of a fact done before numbers, and of which the relator was himself an eye-witness. Thus we see, that these reasons of L'Enfant to disprove Hufs's attempt to escape, are perfectly insufficient, especially in opposition to the express testimony of two such eye-witnesses, as he describes Dacher and Reichenthal to be; and consequently it remains a truth that Hufs did make such an attempt, and on this account alone, by L'Enfant's

fant's acknowledgment, forfeited all title to the protection of his safe-conduct: And if this alone was sufficient for that purpose, how much more when joined to his obstinate disobedience and contempt of his lawful superiors? From all this, the common sense of mankind will necessarily conclude, that the Council was so from violating the safe-conduct, or breaking faith to Hufs, by taking him into custody, that it did nothing but what justice, reason, and duty required to be done.

Here I must again appeal to the impartial public, (for still I hope the public will be impartial even in the trial of Papists,) and leave to its judgment to determine, in what light the following passages of your pamphlet should be considered.—P. 26. at the bottom you say, “ To plead in the face of a safe-conduct, that the Council kept Hufs in custody (a soft name for their atrocious violation of the poor man's liberty,) for fear of his withdrawing before the final discussion of his cause, and to prevent him from spreading his poisonous doctrine, is to insult the reason and common sense of mankind; because, supposing Hufs to have attempted both (for which, by the bye, there is no good evidence, but quite the contrary), while his safe-conduct lasted, they had no right to hinder either; at least not by any violent means, such as imprisonment certainly was.”

Page 27. You add, “ But the truth is, they thirsted for his blood; otherwise they would have

‘ have dismissed him unmolested as to his person, because they were in duty bound to do it. For his safe-conduct had been presented to the Pope in Council, and as he was thereby taken under the protection both of the Emperor and Empire, he was by consequence under the protection of the Council itself while it remained at Constance, that city being within the Empire.”

Page 28. “ The Council was bound by virtue of the Emperor’s promise; that is, they were bound to fulfil his promise to Hufs as far as in them lay; or in other words, they could not violate the protection given by his safe-conduct, without a manifest breach both of the law of God and nations.”

The intelligent reader will readily perceive, how many (pardon me the expression) gross falsehoods and misrepresentations are contained in these passages, according to the above facts related by L’Enfant; but at the same time, how admirably well they are calculated to inflame the passions, and excite the indignation of mankind against Roman Catholics. I pray God to forgive you!—You argue, that because the Council, as you pretend, broke faith to Hufs, they therefore held it lawful to do so: Shall I retort this way of arguing against yourself, and conclude, that because you advance manifest untruths to calumniate your innocent neighbour, you therefore think it lawful to do so?

It

It will perhaps be asked here,—since L'Enfant candidly relates so many facts concerning this matter, which tend so fully to exculpate the Council of Constance, how comes it that he himself so loudly blames this Council for the imprisonment of Huss? In answer to this, I observe, that from an attentive perusal of L'Enfant upon this subject, there are two things he seems constantly to have in view: To preserve the character of an impartial historian, and at the same time to apologize for and defend Huss. To gain the first of these ends, it was necessary for him to omit no circumstance relating to this affair, which he met with in contemporary historians, and hence he tells every thing he found; but to secure his second aim of vindicating John Huss, he takes care to relate all those facts, that make against him, in a passing way, lays no stress upon them, nor makes any application of them, and never presents them together in that point of view, which would show his reader the light they necessarily bring in favour of the Council; some of them he even mentions unfairly, of which we have already hinted at some instances, and shall afterwards see more; and others, which he cannot gloss over, he endeavours to bring under a suspicion of falsehood, as we have seen with regard to Huss's flight. But on the other hand, every thing that can be wrested to favour Huss, or turned against the Council, that he enlarges on, and applies for that purpose with all his might. In this he only imitates the most of Protestant writers on this subject, but whether he

he and they do so on design, or if, from their prejudices against Catholics, they really do not see their misapprehension, I shall not pretend to determine; I hope and wish, that it is from the last of these causes; but however that be, the above facts, in vindication of the Council, are related by the historians of those times; they are acknowledged and attested by L' Enfant, to be true: as I have transcribed them from him; so I must leave it to the impartial reader to judge of the consequences I have shown to flow from them, in vindication of the Council, and to the condemnation of Hufs.

V. I now proceed to enquire into the treatment John Hufs met with, both while in prison and upon his trial, to see if the safe-conduct was violated in either of these occasions. L' Enfant tells us (B. I. No. 38.), " That when Hufs was taken prisoner, he was carried to the house of the Chanter of the cathedral of Constance, where he was confined under a strong guard, and that this happened upon the 28th of Nov. 1414." B. I. No. 62. Again, " John Hufs remained eight days at the Chanter's house, from whence he was carried to the prison of the Dominican's monastery." (B. I. No. 39.) Consequently, he was put into this prison on the 6th of December, that is, three full weeks before the Emperor arrived at Constance, which was not till *Christmas-eve*, B. I. No. 50. In this account there certainly must be some mistake, for " when they heard at Prague, that John Hufs was committed to prison, the nobles of Bohemia were extremely enraged at it: " They

" They wrote several letters to the Emperor
 " to desire his liberty." (B. I. No. 60.) These
 letters were delivered to the Emperor on the
 3d of January, 1415, as L'Enfant remarks
 in the margin, at No. 60. and 61. Now,
 L'Enfant assures us, that the first of these let-
 ters, which was written in great heat, was
 the cause why Hufs was sent to the prison of
 the Dominicans, from the Chanter's house;
mean time, says he, " this letter of the Bohe-
 mians had no other effect than to confine
 ' John Hufs more closely. At the solicitation
 ' of Paletz and other divines, he was removed
 ' to the convent of the Dominicans;" (B. I.
 No. 60.) Consequently, this could not have
 happened before the 3d of January, 1415;
 till which time, from the 28th of November,
 1414, that is about six weeks, he had only
 been confined in the house of a private gen-
 tleman, the Chanter of the Cathedral; and
 then, upon the angry letters of the Bohemians,
 was put into a closer confinement in the Do-
 minican monastery; no doubt, lest the Bohe-
 mians, who were in great numbers in Con-
 stance, stirred up by the letters of the nobles
 at home, should have made any attempt to
 carry him off from the Chanter's house. ' In
 ' the Dominican monastery he remained two
 ' months, and then was removed to the Fran-
 ' ciscan prison," (B. I. No. 61.) where he staid
 till the Pope left Constance, which was to-
 wards the end of March. It would appear,
 that in both these convents he was a prisoner
 at large, and not confined to the common pri-
 son of the convent, but at most to his apart-
 ments:

ments: the reason is, because he was committed to the care of the Pope's officers, which would have been quite unnecessary, had he been in the common prisons within these convents; and these officers had the charge to attend and serve him, which they performed so much to his satisfaction, that "in his fifty-second letter, he praises them to the highest degree;" (B. II. No. 19.) And when, upon the Pope's going from Constance, these officers were obliged to leave Hufs and attend their master, "it appears from his fifty-sixth letter, which he wrote to the Bohemian gentlemen that were at Constance, how much he was alarmed at the withdrawing of those guards, who had treated him so civilly." *Ibid.* Not long after these guards were withdrawn, Hufs was put into the hands of the Bishop of Constance, who carried him to the fortress of Gottleben, where he remained till his trial came on, and then was brought back to the Franciscans. (B. III. No. 4.) It is also to be noted, that during his whole confinement, he wrote frequently to his friends, and told his mind with all freedom; nay, sometimes wrote even seditious letters, as we shall see afterwards; which is an evident proof that his imprisonment was not severe.

Such is the account that L'Enfant gives of the different prisons where Hufs was confined, and of the treatment he got in them. He was at first put into the hands of a private gentleman, in his own house, where he staid for six weeks; then (for fear least any disturbance

ance should be raised by his angry party) he was carried to the convents of the Dominicans and Franciscans, and committed to the charge of some of the Pope's officers, whose kindness and civility he himself praises to the last degree; upon their leaving Constance, he is put into the hands of the bishop of Constance, who keeps him in a fortress belonging to himself (as far as I can discover), where we have every reason to believe he met with the kindest usage, because we don't find that either he or his friends ever complained of the contrary; though he frequently wrote to his friends from his prisons with all freedom, and told his mind without reserve. It is also farther to be observed, that when he fell sick in the Dominican convent, "the Pope sent his own Physicians to take care of his health." (B. I. No. 39.) I appeal, then, Reverend Sir, to yourself, and call upon you to say, if there be any thing in all this that favours of harshness or cruelty, or any ill-will against that unhappy man; but on the contrary, if, considering all circumstances, he could have been treated with greater lenity and indulgence. Upon what grounds then do you call his being kept in custody "an atrocious violation of the poor man's liberty?" p. 26. On what authority do you affirm it, *as a truth*, that *they thirsted for his blood*? Surely, Sir, your religion does not teach you, that it is lawful to judge your neighbour rashly, to put the most unfavourable interpretation upon his conduct, to hold him out to the world in the most atrocious colours, and to expose him to the fury of the deluded

deluded populace, by the execrable light in which you paint him; much less will it authorize you to do all this, not only without grounds, but in direct opposition to the most satisfactory proofs of the contrary! If to do this be a maxim of your religion, I am sure it cannot be the religion Jesus; and yet, were I to use your own way of reasoning, and turn it against yourself, and from practices draw conclusions to principles, I might be authorized by your example to think it was so: But I will by no means retaliate in so unchristian a manner, nor attribute to the *principle* what charity obliges me to lay only to the charge of *human passions*, and the mistaken and intemperate *zeal* of the person.

Let us now proceed to the trial. From what we have seen above of the temper and disposition of John Hufs, he does not appear to have been much in the humour either to submit to authority, or to own himself to have been in the wrong; and one of this turn of mind will always be ready to exclaim against his accusers and judges, and to represent their necessary discharge of duty as harshness and cruelty: This, in fact, John Hufs did, in the letters he wrote to his friends; and L'Enfant, from this authority, puts the worst face he can upon their conduct; but at the same time intersperses several facts, which he could not omit, without forfeiting his pretence to an exact historian, but which fully confute his censures, and the complaints of Hufs against his judges.

Though

Though the Council was called to meet about the end of November, 1414, yet, from a series of accidents that could not be foreseen, it was the end of March following before they could get any serious business done; and then they had affairs of such importance upon hand, that it was the last day of May before it was possible for them to take John Hufs's affair into the public consideration of the Council. This delay was much resented by Hufs and his adherents; and though L'Enfant candidly relates all the causes of this delay, yet he ungenerously affirms from it, as a certainty, "that they did all they could to avoid bringing him to a public trial." B. III.

No. 3. Nothing is more common in trials of criminals, than to bring them to a private examination before their public trial, to see what light can be got, either as to their guilt or innocence. This was particularly attended to by the Council, who, knowing how much easier it would be for Hufs, considering the weakness of human nature, to retract his erroneous tenets in private, than after coming to a public hearing, several times sent commissioners, men of rank and character, to treat with him on this subject; but this is represented by Hufs and L'Enfant as traps to ensnare him, as vexations and insults, B. I. No. 43. and as a proof that they wanted to avoid giving him a public hearing at all. B. III. No. 3. Yet he was brought, as he earnestly desired, to a public trial, and had three several hearings given him three different days.

In this trial there were two points to be examined, 1mo, *Whether the articles laid to his charge were erroneous and heretical?* 2do, *Whether John Hufs ever taught these articles?* According to all the laws both of church and state then existing, the Council was the sole judge of the first question, and Hufs had again and again declared his readiness to submit to its decision; though it must be owned, in these declarations, he used such terms as contained a *salvo* for his obstinacy: Upon his first examination he said, "I intreat you, my fathers, to
 ' be assured, that I would sooner die than be
 ' convicted of heresy: for this reason I came
 ' with joy to this Council, and promise you,
 ' that if I am convicted of any error, I will
 ' abjure it without hesitation." B. I. No. 36. In one of his letters to his friends, after his public hearing, he says, "He only promised to
 ' submit to the Council conditionally, and that
 ' he protested at several private hearings, as
 ' he has done since in public, that as to the re-
 ' cantation required of him, he would submit
 ' to the instruction, direction, and justice of
 ' the Council, when he should be made sensi-
 ' ble that he has writ, taught and answered
 ' any thing contrary to the truth." B. III. No. 3. But it would appear by his conduct, that he was determined never to be made sensible of his having done so, but to persist in his own opinion to the last. The decision of the second question, *Whether or not he had ever taught the articles laid to his charge?* depended upon the proof brought; and that could be had only from one or other of these three means,—

means,—the testimony of those who had heard him, the books he had written, or his own acknowledgment.

At his second public hearing, which was upon the 7th of June, 1415, several of the articles laid to his charge were produced one by one, and he was allowed to make his own defence: He absolutely refused two of the articles, *tho' proved by the evidence of several clergymen of Prague*, who were ear-witnesses against him; and the Council was so far from interpreting this refusal as obstinacy, that they received it, notwithstanding the evidence, and gave them up. *Two articles are blotted out*, says he, in a letter to a friend, *and I hope that by the grace of God, more will be served in the same manner*, B. III. No. 5. in a note.—This shows how far the Council was from taking any advantage against him. With regard to the evidence from his own writings, he pretended that the extracts taken from them were unfair: But the Cardinal of Florence accosted him thus in open Court: “*You suspect Paletz, that he has made unfair extracts of your works; but herein I think you do him great wrong, because he has made those extracts very faithfully, and has even drawn up the articles in softer terms than they are in your writings.*” B. III. No. 5. To this Huss made no reply, at least L’Enfant relates none, which is a proof how little grounds there were for complaints of any injustice at his trial.

In an assembly held before the trial, the Lords of Bohemia presented a Memorial in fa-
 your

vour of Hufs, while he was yet in Gottelben, and the Patriarch of Antioch in his answer said, *That they would cause John Hufs to be brought to Constance, where he should have all freedom of speech, and be heard with good temper and charity*, B. III. No. 2. That he got full freedom of speech is evident from the very account L'Enfant gives of what he said to every article; and also from what the Emperor said in open court to Hufs, after his second public hearing: "*I gave you, said he, a safe-conduct, to the end that no injury might be done to you; and that you might speak with freedom, and give an account of your faith in Council. In which thing you perceive, that the Cardinals, Bishops, &c. have so well answered our intentions, that we cannot enough thank them.*" B. III. No. 6.

At his third public hearing, which was the day following, viz. the 8th of June, all the other articles were produced one by one, which had already been laid before him, when in prison, and at this hearing *he behaved as he had done in prison*, says L'Enfant; *he owned the articles that were his, cleared up others, and disowned those that were laid to his charge by his enemies*, B. III. No. 7. These articles which he owned, or which were clearly contained in his writings, were so contrary to the received doctrine of the Christian world at that time, to those sacred truths that were then universally believed to have been revealed by Jesus Christ, and at the same time so repugnant to the peace and tranquillity of the state, that the Emperor himself, who had been present at the whole examination, was shocked at them; And, after Hufs

was

was withdrawn, " Delivered his opinion to the Council in these words: You have heard the articles laid to the charge of John Hufs. They are grievous, numerous, and proved not only by credible witnesses, but by his own confession. In my opinion, there is not a single one among them which does not call for the punishment of fire. If, therefore, he do not retract all, I am for having him burnt." B. III. No. 12. Yet, this notwithstanding, the Council was exceeding backward in coming to extremities, and used every lenient means to bring the unhappy man to a sense of his duty. Immediately after the examination was ended, in open Court the " Cardinal of Cambray addressed Hufs in these terms: You see how many heinous crimes you have been accused of. You are now to consider well what you have to do. The Council has but two things to propose to you, of which you will act wisely to embrace the first, which is, to submit yourself humbly to their sentence and decree; and to undergo, without repining, whatever they shall please to inflict on you: In which case you will be treated with all the gentleness and humanity possible, If, on the contrary, you chuse the other way, which is to defend any of these articles laid to your charge, and to demand another hearing for that purpose, you shall not indeed be refused a hearing; but consider well, that here are a great many persons of weight and knowledge, who have produced such strong arguments against your articles, that I much fear, while you persist in your defence, your obstinacy will expose you to some fatal consequence. This

“ I say, not as you judge, but as your monitor.”
 B. III. No. 10. To this Hufs gave the same evasive answer he had done before. Then the resolution of the Council was proposed to him, consisting of three conditions: “ 1. That he should confessed to have erred in holding these articles, and ask pardon. 2. That he should promise upon oath, never *to teach* nor hold them any more. 3. That he should retract them all in public.” *Ibid.* But these terms, though so just and reasonable, Hufs absolutely refused to comply with. The Emperor then spoke to him in a most pathetic manner; several of the Bishops did the same, “ *and offered to propose a form of abjuration, so equitable and gentle, as perhaps he would alike;*” but all in vain; he still refused, and declared “ *he did not think himself guilty.*” *Ibid.* Notwithstanding all this, the Council would give him time to think better, and postponed passing judgment upon him for a whole month; for this public hearing was upon the 8th of June, and sentence was not pronounced on him till the 6th of July. In the mean time, every means was used to move him to submission, but without effect.

This, Sir, is the genuine narrative of Hufs’s trial, as it stands recorded by L’Enfant, from Hufs’s own writings, and other ancient historians; and though L’Enfant relates these facts separately, and intersperses many unfair, unworthy reflections *of his own*, which naturally tend to prepossess the reader’s imagination, and even hinder him, in a great measure,

sure, from seeing the true light that they carry along with them in this affair,—yet the facts stand uncontroverted, and when considered, though but in a passing manner, are incontestable proofs, both of the guilt and obstinacy of Hufs, and of the lenient and merciful disposition of the Council. What, then, must your Christian readers think of your uncharitable and bold assertion, page 27. “ *But the truth is, they thirsted for his blood ?*”

VI. Let us now go on to the last scene of this tragedy, and consider the sentence passed upon Hufs by the Council. Here you seem to triumph with a particular pleasure, in condemning the conduct of the Council: With how much reason you do so, we shall just now see.—We have seen above, that the church has two ends in view in her conduct towards any of her children who fall into heresy; First, to reclaim the unhappy delinquent, if possible; and, secondly, to preserve her other children from the infection. The Council having used all possible endeavours for reclaiming John Hufs, but without effect, was under a necessity of proceeding to secure the second of these ends, by cutting him off from her communion, in order to prevent the contagion of his erroneous doctrine from spreading among the faithful: Wherefore, on the 6th of July, 1415, in the fifteenth session of the whole Council, at which the Emperor and all the princes of the empire assisted, judgment was given, and sentence passed upon him: In this sentence, first, the articles laid to his charge were read and

declared to be erroneous, scandalous, and heretical; and his books, written with his own hand, wherein these articles are manifestly contained, are condemned to be burnt: then it "having been manifestly proved, say the Acts, that John Hufs did publicly teach and preach many evil, scandalous, seditious, and dangerous heresies," he is therefore condemned as a heretic: And lastly, the sentence concludes thus: "But as it is apparent from all that the synod has seen, heard, and known, that John Hufs is stubborn and incorrigible, and that he will not return into the pale of the holy mother church, by abjuring the errors and heresies which he had publicly maintained and preached,—this sacred Synod of Constance declares and decrees, that the said John Hufs ought to be deposed and degraded from the order of priesthood, and the other orders with which he shall happen to have been vested, giving it in express charge to the Reverend FF. in Christ, the Archbishop of Milan, &c. to perform the said degradation in presence of the synod, according to law." B. III. No. 45. This degradation was accordingly performed without delay; and L'Enfant adds, "From that moment the church shook him off; he was declared a layman, and as such delivered over to the secular arm, in order to be carried to execution, by this sentence of the Council; *the sacred Synod of Constance declares, that John Hufs ought to be delivered over to the secular arm, and does actually deliver him over to it, considering*

“ considering that the church of God has nothing more to do with him.”

Hence, it is plain, that, even according to L'Enfant's account, the Council passed no other sentence upon Hufs but what was perfectly competent to it, by degrading him from the character of a clergyman, and giving him over to the secular power, to whom he now belonged; but, upon this you declaim as follows, p. 33. &c. “ For though you are pleased to tell us, p. 38. *that Hufs was delivered to the civil powers, to do with him as their own laws directed, and that farther the Council did not go*; and mean to insinuate, that the Bishops confined themselves within their proper sphere, their *spiritual* jurisdiction, and neither passed sentence of death upon him themselves, nor gave orders for its being done by others,—yet the contrary is undoubtedly the fact; for *Ænæas Sylvius*—expressly asserts, that *a decree was passed in the assembly of the Fathers, against those stubborn men, that they who rejected the doctrine of the Church should be burnt*. This is a testimony above all exception:—So that, if there was any trial before, or sentence passed by, a civil Judge (of which I see no appearance), it is plain, that it was merely a matter of form or ceremony, and nothing more. Indeed, if I have not mistaken Vanderhardt and L'Enfant, the moment the deputies of the nations pronounced their *placet* or consent, Hufs was directly hurried to the flames; for burning was the punishment of a convicted heretic,

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‘ by the decretals or canon law, before Huss’s
 ‘ condemnation; and that law of the Church
 ‘ seems, in the days of old, to have been a-
 ‘ dopted into the code of every kingdom where
 ‘ Popery was established.”

Now, Sir, I beg leave to affirm, that this whole passage is a downright imposition on your readers. The former part of it is evidently false, from L’Enfant’s account of the matter; and as for this latter part, it is no less so; for, in the first place, I positively deny that there is any law of the Church for burning heretics, or even for putting them to death at all; and I call upon you to produce such a law, if you can.—In the second place, the very supposition of such a law confutes itself; for it is certain, the Church had not the power of making such a law from the beginning; if ever she had it then, she must have received it from the state. Now, it is well known how jealous the state is, in all nations, of its prerogatives; is it then likely to suppose, that any state would ever resign to the Church the supreme power of life and death? Yet, to make your assertion good, we must suppose, that all the Christian states in the world had yielded up this privilege.—Thirdly, I have shown, from the example of England, that the law for burning heretics, was solely a law of the state, which it was forced to make by the outrageous and rebellious spirit of the heretics of that time.—Fourthly, almost two centuries before this was done in England, there was just such another imperial law made by the Emperor Frederick

II. in which he says,—*Quos, aliosque hæreticos, quocunque nomine censeantur, decernimus, ut vivi in conspectu hominum comburantur, flammarum commissi judicio*; and this was a standing law of the empire in the time of the Council of Constance.—Lastly, I prove the falsehood of your assertion from the words of this very Council itself, which either L'Enfant, or my English Protestant translator, has most grossly misinterpreted! for the last words of the sentence passed upon Hufs, as above narrated from L'Enfant, are these: “The sacred Council of Constance declares, that John Hufs ought to be delivered over to the secular arm, and does actually deliver him over to it, considering that the Church of God has nothing more to do with him.” Now, this is a very false translation of the words of the Council; for, in the acts of the Council which I have before me, that clause, which immediately follows the sentence of his degradation, is thus set down: *Hæc sancta synodus Constantiensis, Joannem Hufs, attenta quod Ecclesia Dei non habeat ultra quid gerere valeat, judicio seculari relinquere, et ipsam curiæ seculari relinquendum fore, decernit.* The plain English of which is this: “This sacred synod of Constance, considering that the Church of Christ has nothing further that it can do, decrees to leave John Hufs to the judgment of the state, and that he is to be left to the secular court accordingly.” Here, Sir, you see, that this very Council declares, that after having degraded Hufs, the church has nothing further that it can do, and therefore leaves him to the judgment of the state,

State, and to the secular court. Can any thing be more clear, than that the Council passed no sentence of death upon Hufs, that it even had no power to do so, and that there was no ecclesiastical law inflicting such punishment? Is it not evident from this, that these Bishops “ did
 ‘ actually confine themselves within their proper sphere, their *spiritual* jurisdiction, and
 ‘ that they neither passed sentence upon Hufs themselves, nor gave orders for its being
 ‘ done by others?” How then come you to deceive the public, by affirming, with so much assurance, that *the contrary is undoubtedly fact*? — And what must the public think of your exclaiming, with so much confidence, p. 33. that, “ instead of exerting their authority to save
 ‘ the unfortunate man, as honour, conscience, principle, every thing that is sacred among
 ‘ men, required them to do, in spite of all, and in the face of every obligation and bond
 ‘ wherein men can be bound, they gave him
 ‘ over to the secular arm, *on purpose* that he
 ‘ might be put to death!” — Was ever such a barefaced imposition advanced in the face of the world? You appeal to *Ænæas Sylvius*; but if *Ænæas Sylvius* has expressed himself improperly, can that be of any weight against the express acts of the Council? But you say, p. 35. “ As the Bishops were the only judges
 ‘ of corrupt doctrine, when any one was pronounced guilty by a Council, and delivered
 ‘ over to a secular arm, death was the immediate consequence, without any new sentence.” Be it so; but does it follow, that the law inflicting death is a law of the church? or that the church pronounces that sentence of death?

Far from it; no more than it would follow, that because, when a jury brings in a criminal guilty, and death is the certain consequence, therefore it is the jury that made that law; for according to your own expression, the passing of the sentence of the judge after the criminal is found guilty, *is merely a matter of form or ceremony*.—But, after all, how do you say, *without any new sentence?* We have seen above, from L'Enfant, that the Emperor himself passed sentence of burning upon Huss, if he would not retract, even before the Council had passed any sentence at all. In a word, the conduct of the Church, in cases of this kind, is as near a-kin, as the circumstances can allow, to the trials of criminals in this country by jury. The Church, indeed, is believed to have its spiritual jurisdiction immediately and directly from God, and therefore her pastors can no more give up their authority of judging true from false doctrine, and of cutting off from her communion those who teach false doctrine, than they can divest themselves of the character of the priesthood. The vil powers, in all Christian countries, have made penal laws against those who teach erroneous doctrines, for the reasons of state mentioned above; but they have no powers to judge either the doctrine or the criminals: When, therefore, any one accused of heresy is brought before the church pastors, their duty obliges them to judge and decree according as they see cause; and, when they find the person guilty, what can they do? They degrade and excommunicate him, and their own jurisdiction

tion goes no further. Is it in their power, then, to withdraw him from the civil power? By no means; how could they do so, though ever so desirous? Were they to act their parts in a hidden secret way, without being known, you yourself would surely cry out against it as a barbarous inquisition; besides, how is it possible, when a person has publicly taught his erroneous tenets, and is delated before them, that they should be able to conceal his trial, though willing? Now, the civil laws ordain, that one so convicted be delivered over to the secular power to be punished as these laws direct; can the Bishops refuse to obey these laws? Can they withdraw the criminal from the secular magistrate? Would not the state condemn them for so doing, as protecting and defending criminals against the laws? How childish, then, is it in you to say, that if the council had not thirsted for Huss's blood, "they had only to call him once before them, and question him as to his principles, and then they might have suffered him to depart, and have afterwards censured and condemned his errors at their leisure?" page 27. Surely you did not consider what you was writing when you expressed yourself in such a loose and judicious manner.

Now, when the Church finds a person guilty and obstinate, there is no need of a new trial before the secular judge, more than there is need of a new trial of a criminal when the jury has brought him in guilty; this verdict is sufficient, and all that is required is for the judge to pronounce sentence upon him. Just so in our case; the

the church pastors are, in this, like the jury; it belongs to them to bring in the pannel guilty, or not guilty; and, if guilty, the laws of the state immediately take place, and pass sentence. But even in this, the discipline is different in different countries: In England, by the 2d of Henry IV. ch. 15. whenever a convicted heretic was delivered over to the sheriff by the ordinary, the sheriff was authorised to put him immediately to death, without further sentence; and this, it would seem, was the rule in the empire also; but by the 25th of Henry VIII. ch. 14. when a person is convicted of heresy before the Bishop, he must first give an account of the case to the King, and then a writ is issued out from him, ordaining the criminal to be given over to the sheriff for execution. From all this, your readers will easily see, how little you are acquainted with this matter (though you pretend to handle it with so much confidence), and into how many gross blunders your forward zeal has hurried you.

VII. Having thus shown, in the most satisfactory manner, from the testimony of L'Enfant himself, that the safe-conduct granted to Huss was neither sought nor given for any other end but to protect him from all injuries by the way, and from injustice at Constance, and that, in both these respects, it was perfectly fulfilled; and consequently, that there is not a shadow of reason to suppose a breach of faith in the practice of this Council, or the smallest violation given to the safe-conduct, either by the Council or by the Emperor, I shall now examine

amine the authenticity of the safe-conduct itself, and see what grounds there are to call it in question, if ever it existed at all. A bold attempt! you will say; be it so; but observe, I don't undertake to prove that there never was a safe-conduct given to Huss; but only to show what good grounds there are to doubt of it, and thereby point out another false assertion you have rashly advanced.

The first reason of doubt is, that I do not find, that an original, or authentic copy of this safe-conduct has ever appeared. L'Enfant takes his from Vanderhardt's Collection of old Manuscripts, which he found in various repositories in Germany, and published only about the beginning of this century, as far as I can learn; but L'Enfant does not say, that he found the original safe-conduct among these collections. B. I. No. 39.

Secondly, on Huss's arrival at Constance, when he was presented next day to the Pope, John de Chlum, one of the Bohemian Lords, to whose care he had been committed by the Emperor, told, indeed, the Pope, that *Huss was furnished with a safe-conduct*, but he did not show it; insomuch, that afterwards, when Huss was taken into custody, and Chlum daily solicited the Pope for his enlargement, the Pope doubted if he had a safe-conduct; and yet even the Chlum did not show it, but only told again that he had one; and gave this curious reason for not showing it then,

then, when it was called in question, and when the showing it was so necessary to support his demand, *because the Pope did not ask to see it!* B. I. No. 38.

Thirdly, L'Enfant tells us, that Hufs set out from Bohemia upon "the 11th, or, as others say, the 15th of October, 1414; at which time he had not yet received the safe-conduct, which was not dispatched till the 18th of that month." B. I. No. 25. And he tells us, from Vanderhardt, that "he did not receive it till he was on the road at Nuremberg, where he arrived on the 22d of October." B. III. No. 6. It was openly alleged in the Council, that he had got no safe-conduct till a fortnight after his confinement; but the Emperor himself, in the open court, speaks thus to Hufs: "Though there are people who say, that you did not receive my safe-conduct till a fortnight after your imprisonment, yet we can prove, by the testimony of several princes, and other persons of distinction, that you received this safe-conduct before your departure from Prague." B. III. No. 6.—L'Enfant supposes the Emperor to be evidently mistaken in this; and a mistake, indeed, there must be somewhere; but is it likely the Emperor would affirm it so confidently as a thing that he could prove, and which happened only three months before the time he said it, and be mistaken in it?

Fourthly,

Fourthly, " On the 18th of May, 1415, the deputies of the nations met to hear the answer of the Bohemians, touching the safe-conduct and imprisonment of John Hufs. In the congregation of the 16th instant, a Bishop had said on the part of the Council, that the Lords of Bohemia were misinformed when they complained of the violation of the Emperor's safe-conduct, because they had it from good hands, that John Hufs had no passport till a fortnight after his imprisonment." John de Chlum, whom this matter did chiefly concern, made answer, That on his arrival, he had assured the Pope had one; " that, indeed, at that time, nobody did demand a sight of the safe-conduct, but that the next day, he, (Chlum) showed it to many persons, for which he calls to witness Prelates, Counts, Gentlemen, &c." B. II. No. 82. But why did he not, at least, show it then? Why did he not produce it to this congregation? Its signs of authenticity and date would have showed it to be genuine; why did not these witnesses who saw it, appear, and give testimony to it? Not a word of any such thing. From this, it is plain, that it never was seen, at least till after his imprisonment; nor does it appear clear that it was shown to the Council at all.

Fifthly, " John Hufs himself, on his arrival at Constance, wrote to his friends at Prague, that he was come hither without a safe-conduct." *Venimus sine salvo conductu.* Hufs,

Hufs, Ep. v. It is true, in his next letter he says, *I came to Constance without a safe-conduct from the Pope*; and, therefore, the editor of his works puts upon the margin of the first letter, *meaning a safe-conduct from the Pope*, B. II. No. 83. But this correction looks very suspicious; for, till that second letter, it never entered into any of their heads that he should seek a safe-conduct from the Pope for his journey, nor was there ever the least word of such a thing, and what increases the suspicion is, that "in his 49th letter, which he wrote from his prison to the Bohemian Lords, then at Constance, he tells them, that if they hear it said that he set out from Prague without a safe-conduct, as he himself declared in a letter he wrote to his friends at his departure from Prague, and which had been counterfeited by his enemies, they might answer, that he had no safe-conduct from the Pope." B. II. No. 83. Here he gives them their lesson, which, it seems, they had not yet learned; besides, as we have seen above, he said he had no safe-conduct, in the letter from Constance to his friends at Prague. Here he says he wrote so to his friends, at his departure from Prague! How do these agree? We shall just now hear him affirming, that he had a safe-conduct from the King at his very first outset for Constance.

Sixthly, In all the above monuments it would appear, that Hufs set out from Prague when he began his journey for Constance;
 K yet

yet L'Enfant says, " he wrote a letter to his flock at Bohemia, (probably at Prague) immediately before his departure, which is well worth the abstracting : 1. He exhorts them to remain steadfast in the doctrine. 2. He tells them, he sets out with a safe-conduct from the King, *cum literis publicæ fidei a Rege mihi datis*. And he says, that he had resolved, indeed, to go to Prague before he set out for Constance, but that time did not permit him."

B. I. No. 25. And, in a note to this, L'Enfant says, " It must be observed here, by the way, that John Huss, when he went for Constance, did not set out from Prague, but from Crakowitz." He also adds, that the safe-conduct here spoken of must have been from the king of Bohemia; but this is his own conjecture; nor is there the least hint of any safe-conduct from the King of Bohemia, in all the histories; it is, indeed, said to be *from the King*; but Sigismund only took the title of King at this time, for he was not crowned Emperor, though chosen; and in the safe-conduct from Sigismund himself, he has only the title of King of the Romans. Here, then, we are told, that he sets out from Prague, and he does not set out from Prague; he sets out with a safe-conduct, and sets out without a safe-conduct; he writes to his friends at Prague from Constance, and he writes to his flock in Bohemia before his departure: he goes to Constance without a safe-conduct, and he goes to Constance with a safe-conduct! What a mass of Confusion!

Now, good Sir, I leave to your better judgment to account for, and reconcile all these palpable

palpable and gross contradictions, which give good ground, at least, to suspect such a deep scene of forgery and imposture as is scarce to be met with, but in this instance. This much is evident, that the safe-conduct was never shown to the Pope, and probably never appeared in Council, although you boldly affirm, page 27. that *his safe-conduct had been presented to the Pope in council*; and upon that false assertion, among others such, ground your slanderous accusation.

VIII. Having gone so far to clear up these dark mysteries, whose obscurity has occasioned so many slanders against the Roman Catholics, I should wish not to omit any circumstance which can give you and my readers any satisfaction in these matters; and therefore, shall now lay before you the crimes of Hufs, that it may appear whether he was condemned with justice or not.

imo. We have seen above, sect. 3d, from Doctor Heylin, the pestiferous tendency of Wickliff's opinions, and how contrary they were to the peace and tranquillity of the state: We have also seen the fatal consequences they produced in England, by raising up the people to sedition and rebellion, which obliged the legislature to make the most severe laws against them. Hufs had imbibed all these maxims of Wickliff, preached and taught his doctrines; and L'Enfant assures us, that he peremptorily "refused to subscribe to their condemnation.——It was from him

‘ (Wickliff) he took all the principles which
 ‘ involved him under condemnation, and
 ‘ which doubtless he would have avoided,
 ‘ if he had subscribed to the sentence passed
 ‘ on this English Doctor.” B. III. No. 57.

2do. In consequence of this, “ John Hufs,
 ‘ by his sermons and writings, and violent
 ‘ and outrageous conduct, had extremely
 ‘ contributed to the troubles which then
 ‘ disturbed Bohemia. This cannot be deni-
 ‘ ed.—It is hardly to be doubted, indeed, that
 ‘ if John Hufs had lived longer, and had
 ‘ not been so harassed, his principles would
 ‘ have carried him much farther than he
 ‘ could go, through so many obstructions.
 ‘ This the Emperor foresaw very clearly,
 ‘ when he was of opinion, that in case he
 ‘ retracted, he should not be allowed the li-
 ‘ berty of returning to Bohemia, or even of
 ‘ preaching any where, because he guessed,
 ‘ from his temper and character, that he
 ‘ would not stop half way.” *Ibid.*

3do. “ John Hufs himself makes it very
 ‘ plainly understood, in some of his letters,
 ‘ that he was not yet content with the pro-
 ‘ gress he pretended to have already made
 ‘ in the knowledge of the pure truth of the
 ‘ Gospel: Thus, (letter second) he hopes,
 ‘ that if he return to Prague, God will do
 ‘ him the favour to improve his knowledge
 ‘ of the Gospel truth, in order to extirpate
 ‘ the doctrine of Antichrist. Let. 12. he says,
 ‘ That they who have condemned his doctrine
 ‘ shall

‘ shall fly about like butterflies, and that
 ‘ their decrees shall last no longer than spi-
 ‘ ders webs. Let. 13. The Council of Con-
 ‘ stance, says he, will not extend as far as
 ‘ Bohemia. I reckon, that several of this
 ‘ Council will be dead before they can take
 ‘ my work from you; and when they are
 ‘ all dispersed like storks, they will perceive,
 ‘ at the entrance of winter, what they have
 ‘ done in the summer.” *Ibid.* And, else-
 where, writing to his friends in Bohemia,
 he says, “ I intreat you, dear Brethren, not
 ‘ to be discouraged. I trust in God, that this
 ‘ school of Antichrist shall one day be afraid
 ‘ of you.” B. III. No. 31. These are the
 seditious things he wrote from his prisons, and
 which stand to this day in his own works a-
 gainst him,

470. I shall here add three of Huss’s doc-
 trines themselves from my English translator
 of L’Enfant, B. III. No. 7. and give also the
 original in Latin, from the Acts of the Coun-
 cil, as set down in his sentence. Art. xx.
 “ Ecclesiastical obedience, is an obedience in-
 ‘ vented by the priests, without the express
 ‘ authority of Scripture.” In the acts this is
 art. xv. “ *Obedientia ecclesiastica est obedi-*
 ‘ *entia secundum ad inventionem sacerdotum*
 ‘ *ecclesiæ, præter expressam auctoritatem scrip-*
 ‘ *turæ.*”

Art. xxiii. “ A priest who lives according
 ‘ to the law of Jesus Christ, who understands
 ‘ the Scripture, and who has a zeal for the
 ‘ edification

‘ edification of the people, ought to preach,
 ‘ notwithstanding a pretended excommunica-
 ‘ tion: And if the Pope, or any other pre-
 ‘ late, forbids a priest of such a character to
 ‘ preach, the priest ought not to obey.” In
 the Acts, it is the 17th article: *Sacerdos*
 ‘ *Christi vivens secundum legem ejus, et habens*
 ‘ *notitiam Scripturæ et affectum ad ædifican-*
 ‘ *dum populum, debet prædicare, non obstante*
 ‘ *prætensa excommunicatione. Quod si Papa,*
 ‘ *vel aliquis prælatus, mandat sacerdoti sic dis-*
 ‘ *posito, non prædicare, non debet obedire sub-*
 ‘ *ditus; the subject ought not to obey.”*

Art. viii. Taken from his book on the church, “ If a Pope, bishop, or a prelate be
 ‘ in deadly sin, he is neither Pope, bishop, nor
 ‘ prelate.” In the Acts this is the 30th article,
 and is more extended than this translation:
 For it includes all civil superiors as well as ec-
 cleastical: “ *Nullus est Dominus civilis, nullus*
 ‘ *est, prælatus nullus, est episcopus, dum est in pec-*
 ‘ *cato mortali!*” That is, “ If any civil superior,
 ‘ or prelate or bishop be in mortal sin, he is
 ‘ neither superior, nor prelate, nor bishop.” In-
 deed L’Enfant acknowledges that when Huss
 was examined upon this article, he included
 kings also, but why he puts *Pope* instead of
civil superior, or *master*, I shall let the reader
 determine.

It is manifest, that, by the doctrine con-
 tained in these articles, all order and subordina-
 tion is unhinged both in church and state; for
 an inferior has only to suppose his superior to
 be in mortal sin, and immediately he is loosed
 from

from all subjection to him, and owes him no longer obedience, because he is no longer his superior. I shall have occasion afterwards to take notice of this, and at present shall leave it to the reader to judge from what is above, whether John Hufs deserves the tenderness and compassion you every-where express for him, or the sentence passed upon him, by the Council.

SECT. VI. *The Decree of the Council of Constance examined.*

HAVING shown, in so convincing a manner, that this Council was by no means guilty of breach of faith in its practice, I shall now go on to show, with equal evidence, that it was no less free of authorizing that impious tenet by its decision. But before I enter upon this important subject, I must first rectify another gross mistake you are guilty of, with regard to its exercise of temporal jurisdiction. The author of the Detection has advanced, p. 41. that the trial of Hufs for heresy, "was solely and entirely the province of the spiritual powers: The bringing the accused person to the Council, and the inflicting such corporal punishment upon him, if found guilty by the Council, as the civil law appointed, was solely the business of the civil powers, to whom the temporal jurisdiction belongs." The truth of this observation is manifest from what we have seen above; but from this you are pleased to affirm, that "the imprisonment of Hufs was a daring usurpation of temporal

'ral jurisdiction, which you acknowledge (De-
 'tect. p. 41), belonging to the civil powers
 'only," p. 26. And again, " It was the
 'grossest nonsense to say, that Hufs could ever
 'cease to be under civil jurisdiction; or that a
 'spiritual society, which has only spiritual au-
 'thority over the souls of men, should have
 'power also over their bodies, without tempo-
 'ral jurisdiction," p. 30. I am sorry, Sir, that
 in vindicating myself from the severe reproach
 contained in these passages, I am under the
 necessity of exposing you to the world, in one
 or other of two very dishonourable lights;
 for either you know the truth in this matter,
 or you know it not: If you know it, and yet
 have wilfully misrepresented it in such a ma-
 licious manner to the public, you must be
 guilty of what I shall not name: But if you
 know it not, it is certainly an unpardonable ig-
 norance in one of your profession, and still a
 more unpardonable assurance to pronounce
 with so much boldness on a subject about which
 you are so ignorant. The truth is this: As I
 observed above, the proper jurisdiction of the
 church is spiritual, and derived from God; the
 civil power is the source of all civil jurisdic-
 tion: The spiritual jurisdiction being annexed
 by Jesus Christ to the sacred character of the
 priesthood, cannot, properly speaking, be com-
 municated to any who have not that charac-
 ter; but the temporal jurisdiction, which is
 more immediately of a human institution, may
 be communicated to those who have the priestly
 character; for that character does not render

them

them incapable of it. Now we find, in fact, that the civil powers in all Christian nations have communicated a considerable share of their temporal jurisdiction to the clergy, with regard to those of their own body; for both by the imperial laws, and by the particular laws of every kingdom, the bishops are empowered to hold courts of justice, with regard to their own clergy, not only in spiritual causes, but also in civil, and even in criminal causes also, and to inflict such corporal punishments on the delinquents as they shall see proper, whether by fines or imprisonments; and this privilege was so strongly secured to the pastors of the church by the civil laws, that it was expressly prohibited to sue a clergyman before a secular judge, for any crime whatsoever, under the pain of losing the suit immediately.

I shall mention one of the laws for this purpose, which you will find in the *Corpus Juris Civilis*, among the constitutions of the Emperor Frederick II. No. 4. It is as follows: "*Item statuimus, ut nullus ecclesiasticam personam, in criminali questione, vel civili, trahere ad iudicium seculare præsumat, contra constitutiones Imperiales et canonicas sanctiones; quod si fecerit, actor a jure suo cadat,*" &c. That is, We also ordain, that none presume to pursue a clergyman before a secular court, in any criminal or civil question, contrary to the Imperial constitutions and canonical sanctions; and if any one does it, let him lose his suit, &c. Now, Sir, John Hufs was an ecclesiastic, he was a priest, and

and therefore, as such, was by the laws of the Empire subject to this temporal jurisdiction of the church, as well as to her spiritual authority; and therefore what the Detector says, p. 41. is literally true, That "Hufs being now come to the Council, was no longer in the Emperor's hands, but wholly under the jurisdiction of that court till his trial should be ended;" and therefore, the Emperor had it not in his power to protect his person from imprisonment, without a manifest violation of the laws of the Empire; especially as he was not yet crowned Emperor, but acted only in the character of King of the Romans. But though the church has received from the state the degree of the temporal jurisdiction above specified, yet she never received the power of inflicting the punishment of death; nay, she cannot even accept such power; for as Mr. Collier justly observes, in his Eccles. Hist. Vol. I. p. 617. she acknowledges herself bound by her own laws, *not to judge any person to the loss of life or limb*; and therefore, when any of the clergy are guilty of such crimes as must be punished by death, the church after trying them, and finding them guilty, does with them what she did with Hufs, degrades them from their character of clergymen, and gives them over to the secular magistrate, to receive the punishment their crimes deserve: And consequently, when Hufs was so degraded, and delivered over to the Emperor's hands, he then had it fully in his power to have saved him, by granting him his royal pardon if

he had pleased; but he was too much convinced of the necessity of letting the law take its course to do so: you are therefore in a very gross mistake, when you pretend, p. 31. that the Detector contradicts himself, when he says the Emperor had power to save Huss's life after he was condemned, but not to protect his person from imprisonment before he was convicted: And hence the public will also see, what judgment they should make of all the foolhardy assertions you advance on this subject.

After this necessary preamble, I shall now proceed to consider the canon of the Council itself; and, to come the more clearly to the true sense of it, shall take a short review of its history from the authority of L'Enfant.

When Huss was taken into custody, John Count de Chlum, to whose care he had been committed by the Emperor, and whom L'Enfant calls *a generous zealous friend, who never abandoned him*, B. I. No. 36. *daily solicited the Pope for his enlargement*, No. 38. but not being able to obtain it, *he wrote about it to the Emperor, who was still absent*. No. 49. It is not to be doubted but that he would say every thing he could to enflame the Emperor, by representing what was done as a violation of his safe-conduct, as an insult upon his honour, and the like; which is the very light in which he put it in his manifesto upon the occasion, No. 49. The Emperor, a young man, just raised to that pitch
of

of glory, and jealous of his honour and authority, easily caught the flame; and *provoked to see his authority thus unworthily trampled under foot, immediately sent exprefs orders to his ambassadors to cause John Hufs to be set at liberty forthwith, and even to break the gates of the prison in case of disobedience,* says L'Enfant, B. I. No. 49. But notwithstanding these exprefs orders, his ambassadors did not think fit to obey them; for John Hufs was still kept in the Chanter's house; probably they saw the Emperor had been misinformed by John de Chlum, and therefore deferred executing his orders till they had written to him themselves; for it is scarce to be supposed, they would have neglected such a peremptory command on any other consideration. Be that as it will, Hufs remained in custody till the Emperor's arrival at Constance, which was on Christmas Eve, No. 51.

“ Sigismund was no sooner arrived, but he applied himself wholly to the affairs of the Council. On the 29th of December he caused a general congregation to be assembled; at which the Pope was present, with all the Cardinals and Prelates.” No. 54. Had the Emperor been so much irritated at the imprisonment of Hufs, or looked upon it as a violation of his safe-conduct, this was the proper season to resent it, and expostulate with the Council about it, in this congregation; but so far was he from doing so, that *when the commissioners for religious matters desired him to allow them*
free

free liberty of acting, Sigismund gave them this answer: "That the Council was free to
 ' act as they pleased in matters of faith; that
 ' they might proceed, according to the rules,
 ' against such as were notoriously tainted with
 ' heresy, and judge them according to their
 ' deserts after having heard them publicly;
 ' that as for the menaces that had been made
 ' in certain places, and at certain times, in fa-
 ' vour of John Hufs, his Majesty had forbid
 ' the putting of them in execution, and would
 ' do it again if necessary." No. 57.—Upon
 this, L'Enfant cries out as follows: "Such a
 ' sudden turn makes it very plain that Sigis-
 ' mund was already perverted, and that the
 ' clergy had made him believe, that the Coun-
 ' cil had a power to disengage him from a
 ' promise which he could not legally make to
 ' a heretic." In the same strain, all other Pro-
 testant authors exclaim on this occasion; and
 you, Sir, joining with the rest, express yourself
 thus: "It must satisfy every man of common
 ' sense, that the Emperor's acquiescence at
 ' last in their treacherous conduct, proceeded
 ' from their tampering with his conscience;
 ' that is to say, it must have proceeded from
 ' the Council's persuading him, either that he
 ' had sinned in granting Hufs a safe-conduct;
 ' or that he was not obliged to keep his pro-
 ' mise to a heretic, though he had given one;
 ' for no other opiate but that could have quiet-
 ' ed a Prince so jealous of his honour as Sigis-
 ' mund then was." p. 29.

It

It will perhaps be looked upon as a difficult task to prove a charge of unfair dealing, of rash judgment, and of calumny and slander, upon so many grave authors, as have either invented or propagated these censures upon the Council ; yet I shall take the liberty to give in that charge, and hope, from what I have shown above, evidently to prove it : For,

1. It appears manifest, that the change of the Emperor's mind happened before he came to the Council ; because, notwithstanding the peremptory orders sent to his ambassadors to set Hufs at liberty, they did not obey ; which certainly they durst not have neglected without his consent, upon their representing to him the true state of the case ; nay, we do not even find that they so much as attempted to execute his orders, which still further confirms this reflection, and shows that, upon their writing to him how the case stood, he had countermanded his first orders ; and in fact, when he came to Constance, and was applied to by the commissioners for liberty to act with freedom, he declared he had already revoked the threats he formerly sent about Hufs ; Hence the Council did not tamper with his conscience, because he had altered his mind already, before he came to the Council.

2. It is evident, from what I have shown above, that the safe-conduct was not violated by the

the imprisonment of Hufs; that Hufs never meant to ask, nor the Emperor to give, a safe-conduct, for any other end but to be a safe-guard to him from his enemies on his journey, and from injustice at Constance; and that the Council did him no injustice by his imprisonment, because they had the full power to imprison him, and he obliged them to use that power by his obstinacy and disobedience to the repeated commands of his superiors: It is also evident, that John de Chlum, in his complaint to the Emperor, had totally misrepresented the matter, and raised his passion by telling him he was affronted, and his safe-guard contemned: Hence the Council was under no necessity of tampering with his conscience, nor using any such impious reason as you lay to their charge; it was enough to show him the naked truth, with which he could not fail to be fully satisfied; and this is what his ambassadors probably did before he came to the Council.

3. It is no less manifest, from all we have seen in the preamble to this section, that the Emperor could not release Hufs from his imprisonment by force, without violating the laws of the empire; and the Council had just reason to oppose such violation, if he attempted it, and to tell him he could not in justice do it; and this alone was a full and sufficient reason for the Emperor to see the mistake Chlum had caused him to fall into.

4. It

4. It is also plain from what L'Enfant relates, that the Council never found fault with the Emperor for the safe-conduct given to Hufs as a protection from injuries and injustice; so far was it from doing this, that the Pope himself confirmed it in this view by his own express promise; and the only fault they found was, that he attempted to extend his safe-conduct beyond what justice allowed, so as to infringe the jurisdiction of the council.

5. L'Enfant himself, in order to support his uncharitable verdict, is guilty of a false citation from Reichenthal, an original author, and an eye-witness; for after relating what that historian says about Hufs's attempt to escape, he says, "Reichenthal adds, that Sigismund 'would fain have procured him his liberty at that time, as well for his own honour, because he had granted him a safe-conduct, as for fear of incensing his brother Wenceslaus and his Bohemians; but that the doctors 'having given him to understand that it was 'not lawful to grant a safe-conduct to a heretic, he submitted to that decision.'" B. I. No. 62. Now this last clause in the original is, "*Nullo jure deberi salvum conductum hæretico 'in hæresi sua persistenti.*"—That is, "It is 'not lawful to grant a safe-conduct to a heretic who is obstinate in his heresy." But these last words, "who is obstinate in his heresy,"

L'Enfant

L'Enfant leaves out, because they explain the true sense of what the doctors said. The Emperor wanted to free him from prison, and that the safe-conduct he had given should be extended to mean so; but they told him, that it was not lawful for him to give a safe-conduct of that kind to Hufs; for that, by his obstinacy in teaching and preaching his doctrine, during the three weeks he had been at full liberty after his arrival at Constance, he justly deserved to be deprived of that liberty which he abused, and that the Emperor could not lawfully hinder the orders of the Council in doing so. They were far from finding fault with the safe-conduct from injuries and injustice, and they only blamed such an one as the Emperor could not in justice give; but L'Enfant by leaving out the above clause, would make his reader believe, that they said it was *unlawful* to give any kind of safe-conduct at all to any heretic, merely because of his being so; which certainly is a most malicious, false, and uncharitable construction of their words, into which, however, *many others* have fallen as well as L'Enfant.

6. But what made the Emperor wish to release Hufs? Reichenthal, as above quoted, tells us clearly, it was not that he thought the safe-conduct he had given required it; on the contrary, we have seen, that he declared in open council to Hufs himself, that "he gave him the safe-conduct only to protect him from injuries, and that he might have freedom to speak for himself;" but the reason

L

was,

was, the partizans of Hufs were continually buzzing in his ears what de Chlum had done by letters, that his honour was injured, his safe-conduct contemned, and that his brother Winceslaus, King of Bohemia, and all the Bohemians would be incensed, and the like: These were, no doubt, pretty powerful incentives to the mind of a young prince, newly raised up to such a height of power, and it must have required a very convincing reason to persuade him to desist from what he was prompted to by such motives. Now is it to be supposed, that he would have stifled all the emotions of such incentives, for the impious reason you assign, *that it was lawful to break the faith pledged to Hufs, because he was a heretic*,---a reason which is shocking to the first principles of common honesty, as well as to the dictates of the gospel; to suppose this, you must suppose him void of all principles of honour or honesty, conscience or religion; so that the cause you uncharitably assign is totally inadequate to the effect; whereas the real reasons the Council gave are perfectly sufficient for the purpose,---that he could not in justice, and without violating the laws of the empire, and invading the ecclesiastical jurisdiction, give any safe-conduct to Hufs, which could hinder the Council from using its authority in imprisoning Hufs, when they saw such just cause to do so.

This then being the case, give me leave to ask you, Upon what grounds do you affirm, that the Council tampered with his conscience,
and

and persuaded him, that either he had sinned in granting Hufs a safe-conduct, or that he was not obliged to keep his promise to him? This I affirm to be a most unchristian, false and malicious slander, as all the above reasons make evident.

But to return to our history. L'Enfant tells us, that, notwithstanding the answer Sigismund gave to the Commissioners for religious matters in the Congregation on the 29th of December, *it appears by a letter which that Emperor wrote to the Bohemians in 1417, that the imprisonment of Hufs was against his consent; for in this letter he says, God knows how much I was afflicted at his calamity, and all the Bohemians who were then near me plainly saw how uneasy that affair made me, and that several times I went out of the Council in a rage, &c.* B. I. No. 57. What dependance is to be had on this letter L'Enfant himself shall inform us. He tells us, that "on the third of January 1415," (that is, a few days after the above Congregation was held), "letters were delivered to the Emperor from the nobles of Bohemia, who were extremely enraged when they heard that Hufs was in prison, desiring his being set at liberty." Here was certainly the proper time for the Emperor to shew his mind; but so far was he from insisting on granting their request, that *the letter of the Bohemians had no other effect than to confine John Hufs more closely, for then he was removed from the Chanter's house to the convent of the Dominicans.*

minicans. B. I. No. 60. Besides, L'Enfant gives a minute account of every Congregation and Sessions that was held during the Council, and relates all the transactions done in them, but he never says a single word that ever the Emperor insisted more upon Huss's enlargement, much less that he went out of the Council in a rage about it: Would ever he have omitted so important a fact had it been true? We must therefore conclude, that the above letter wherein the Emperor is made to say so, is a mere fiction, forged by some enemy of the Council for sinister ends.

However, this much is certain, that the partizans of Huss did insist again and again upon the safe-conduct, and made great clamour about it, which made the Council take it at last into serious consideration, and emit the famous canon upon safe-conducts, which is as follows, from L'Enfant.

“ The present Synod declares, that every
 ‘ safe-conduct granted by the Emperor, Kings,
 ‘ and other temporal princes, to heretics, or
 ‘ persons accused of heresy, in hopes of
 ‘ reclaiming them, ought not to be of any
 ‘ prejudice to the Catholic faith, or to the
 ‘ ecclesiastical jurisdiction, nor to hinder but
 ‘ such persons may and ought to be examined,
 ‘ judged and punished, according as justice
 ‘ shall require, if those heretics refuse to
 ‘ revoke their errors, even though they
 ‘ should be arrived at the place where they
 ‘ are

are to be judged, only upon the faith of the safe-conduct, without which they would not have come hither. And the person who shall have promised them security, shall not, in this case, be obliged to keep his promise, by whatever tie he may be engaged, because he has done all that is in his power to do." B. IV. No. 32.

Here it is manifest, that the Council does not reject, nor find fault with safe-conducts, given to preserve the accused from injury or injustice; but only with such as are of prejudice to the Catholic faith; that is, to that faith which the Council believed to be the faith revealed by Jesus Christ, and *without which* St. Paul assures us, *it is impossible to please God.* Heb. xi. 6. And also with such as are of prejudice to the ecclesiastical jurisdiction: The Council was convinced, and all Roman Catholics believe, that no human authority has power to give a safe-conduct of this kind, because it would be contrary to the laws of God, and to that sacred authority with which Jesus Christ has vested his church. The spiritual jurisdiction of the church is believed by Roman Catholics to be truly divine and indefeasible; and what is justly looked upon as a chimera in the state, is realized in the church; consequently, no human power can violate it without offending God; and to this you fully agree, as we have seen above from your own acknowledgment, p. 35. Whatever degree of temporal jurisdiction the church possesses over her clergy, she has indeed

deed received it from the state, but her title to it is founded upon the strongest charters the state could give, and confirmed again and again by repeated laws and constitutions of kings and emperors; consequently, no one can violate even that jurisdiction without the most manifest injustice. If, therefore, a safe-conduct should be given in prejudice of the ecclesiastical jurisdiction, whether spiritual or temporal, it is unjust and unlawful in itself, contrary to the laws of God and man, and consequently is in its own nature void and null; and the person who gave it exceeded his commission, and did what he had no power to do. Now it is clear from all we have seen above, that what the partizans of Hufs contended for was, that the safe-conduct granted him by the Emperor should be extended to what was an evident violation of the ecclesiastical jurisdiction, and tended to the prejudice of the Catholic faith, in delivering one who was so obstinate an enemy to it from the punishment due to him by the laws, and giving him full liberty to spread his pernicious errors among the people; and in this sense the council, by the above canon, declared it and all such safe-conducts null and invalid, being unjust in themselves, and done without authority by him who gave it. Is therefore the person who gives such a safe-conduct obliged to keep his promise? How can he be obliged to keep a promise which is out of his power? No man can be bound by an impossibility, or to do a thing which the laws of God and man forbid: To all this you can have no objection;

nay,

nay, you candidly acknowledge it, p. 39. in
 these words: " I grant that when a man has
 ' either promised rashly what is unlawful, or
 ' what he cannot possibly perform, in both
 ' these cases he is only bound to repentance,
 ' though he had confirmed his promise by an
 ' oath." Now, Sir, this is precisely what the
 Council teaches in this canon; for as it is cer-
 tainly *unlawful* to give a promise, by which
 either the true faith of Jesus Christ, or the
 lawful jurisdiction of any power, whether
 church or state, is violated, whoever gives
 such a promise, by your own acknowledg-
 ment, is not obliged to perform it, *but only to re-
 pentance*, though he had confirmed his promise
 by an oath. And as we have now seen, that if
 the sense of the Emperor's safe-conduct had
 been extended to what you say, it would have
 been unlawful on both these accounts; there-
 fore he was by no means obliged to keep it in
 that sense.

But suppose the accused person gave him-
 self up upon the faith of such a promise, and
 would not have done so without it; What
 then? This can never oblige him that gave
 the promise to do what is out of his power to
 do, without violating the rights of others; he
 was either imprudent in making such a pro-
 mise, and not reflecting on the extent of his
 power; or he was a cheat, and did it on
 purpose to decoy and deceive. Shall we say
 then that the Emperor fell under this con-
 demnation in the safe-guard he gave to Huss?
 By no means: we have clearly proved the
 contrary;

contrary; for neither did Hufs require, nor did the Emperor intend any thing by his safe-conduct, but to protect Hufs from injury was perfectly fulfilled. Now it is evident and injustice; and in both these respects it from the words of the canon itself, that all the Council meant by it was what I have here displayed; to wit, that no safe-guard, which is prejudicial to the Catholic faith, or to ecclesiastical jurisdiction, is valid, or obligatory upon the person who gives it, in as far as it is so prejudicial to either. But the Council immediately adds, what ought to confound all those who accuse it of patronizing the breach of faith with heretics, that the person who gives such a safe-conduct is freed from all further obligation, *only then, when he has done otherwise all that is in his power to do;* thereby plainly declaring, that though he cannot be obliged to do what is above his power in fulfilling his promise, yet he is obliged to fulfil it as far as he can, even though given to a heretic; and that only when he does so, he is free from his obligation. Hence it evidently appears, that this very canon decrees nothing but what is just and right, conformable to the light of reason and common sense; and that the interpretation I have given of it is the real sense of the Council, not only appears from the words themselves, as we have seen, but also from this, that the Roman Catholic Church, which certainly ought best to know the sense of her own Councils, has always explained it so; and though numbers of her adversaries have often alledged the contrary, the church always rejected

rejected such allegations; and her most eminent divines have been employed in confuting them, and in vindicating this Council from the impious consequences drawn from them by her enemies.

SECT. VII. *Wherein is shewn, That the Roman Catholic Church holds it impious and unlawful to break faith with any person whatsoever, or on any account.*

WHAT I have already said in this letter shows, and I hope to the full conviction of every impartial reader, that the foul accusation with which you charge the Roman Catholics, is downright calumny and slander; and that there is not one single argument that you have brought to prove your charge, which has the smallest connection with it; but that the whole of your pamphlet is a gross imposition on your readers. I might therefore now come to a close, as having fully wiped off your shameful imputation: But I shall go one step farther, and show you, that what you lay to the charge of the Roman Catholics is the very reverse of what they teach and preach on all occasions.

1. This very Council of Constance itself shall give us the fullest proof of my assertion; and first, in that very canon, which is so unjustly censured by Protestants. If such a safe-conduct were given to any heretic as the Council there condemns, it must contain a
double

double promise, to wit, a promise of preservation against all injury and injustice, which is the natural object of every safe-conduct; and another of being delivered from the jurisdiction of the church, and from the punishment due to their crime, if found guilty. Now, says the canon, this last promise, neither King, Prince, nor Emperor has power to give, without breaking through all laws divine and human; and therefore, whoever gives such a promise, by whatever tie he may be engaged, can never be obliged to keep it, because no tie can oblige any man to do an unlawful thing; but as for the other part of his promise, which is in his own power, he is strictly bound to perform it; for, says the canon, he is then only free from his obligation when he has performed what is in his power to do. Now, that this is the real sense of this canon, is evident from its own words, in the acts; of which my translator of L'Enfant has given an unfair translation, in what I have above transcribed from him; for what he says at the end of the canon,—“And the person who shall have promised them security shall not, in this case, be obliged to keep his promise, by whatever tie he may be engaged, because he has done all that is in his power to do.”—In the original Latin it is thus: *Nec sic promittentem, cum fecerit quod in ipso est, ex hoc in aliquo remansisse obligatum*: the plain English of which is, *Nor shall he who makes such promise, when he has done what is in his power to do; remain under any farther obligation*: Where it is plain, that the Council declares

declares him free from the obligation of performing his promise, only as to that part of it which is not in his power to perform; and that then only he is free *when he has actually done the other part which he has in his power to do*: consequently, this General Council of the Catholic Church has decreed, in the face of the whole world, that when a person makes any promise, even to a heretic, *he is bound and obliged to perform it, as far as it is in his power*. What greater proof can be desired of what is the real doctrine of Roman Catholics?

2. The second proof is also taken from the same Council, and from the very doctrine of John Hufs, which was condemned by it. I have related above three articles of his doctrine, by which all order and authority is destroyed both in church and state; one of these articles is as follows, taken from the Acts of the Council: "*Nullus est dominus civilis, nullus est prelatus, nullus est episcopus, dum est in peccato mortali.*" That is, *If any civil superior, or prelate, or bishop, be in mortal sin, he is neither superior, nor prelate, nor bishop; or in other words, he loses all his power and authority by falling into mortal sin. What is the natural consequence of this doctrine? It is plainly this, that if a superior loses his power and authority, he ceases to be a superior, and his subjects are no more obliged to obey him, but are thereby loosed from all ties of fidelity to him; so that if any inferior takes it into his head, that his superior is in the state of sin,*

sin, he will immediately consider himself at full liberty to break through all the most solemn engagements by which he was subjected to him. Now, heresy is by all the Roman Catholics looked upon as a mortal sin; and consequently, according to this doctrine, if a superior falls into heresy, his inferior is immediately loosed from all engagements, and at liberty to break faith with him. Is not this the very doctrine you lay to the Roman Catholics charge? Is not this the very impious tenet you labour with so much ardour to fix upon them? and yet this is the very doctrine which the Council of Constance condemns in Huss, as damnable and heretical, and for teaching which he was committed to the flames! And here, Sir, be pleased to observe the wide difference there is between the exactness and precision with which the church behaves, and the wild ravings of your intemperate zeal; because the laws both of church and state concur in some Catholic countries to subject to certain forfeitures of dominion those of *their own people*, who fall into heresy, and are *legally convicted* of it, and having *sentence passed* upon them; therefore you ridiculously conclude, that Catholics have a principle in their religion of breaking faith with all of a different communion, though not of their church, nor subject to their laws; and that inferiors are at liberty to break all faith with their heretical superiors, merely because they are such; and at the option of the inferiors themselves: On the other hand, no sooner

does

does Hufs broach the above article, from which your general conclusion would follow as a necessary consequence, than immediately the church rises up in a General Council, and condemns that article as a damnable and heretical doctrine! Sure, Sir, if you have a drop of blood in your veins, it ought to fly to your face and cover you with blushes, on seeing here what this Council teaches, and comparing it with what you have slanderously laid to its charge.

3. My third proof is taken from the affair of Petit, as related in the Detection, which you affect much to undervalue; but I shall here narrate it, and leave it to the judgment of the readers, who will, I dare say, form a very different opinion of it. In the year 1407, John Sanspeur, Duke of Burgundy; having caused Louis, Duke of Orleans, only brother of Charles VI. King of France, to be assassinated, formed a party, and raised a civil war. Among his partisans was one John Petit, a Doctor of Paris, who had gained great reputation for his learning and eloquence. This unhappy man publicly defended the murder, and maintained in substance this wild proposition, That "any tyrant whatsoever may, and ought lawfully and meritoriously to be murdered by any vassal or subject of his own, even by secret snares, or subtle flattery, or adulation; notwithstanding any oath given, or agreement entered into with him, and without waiting the sentence or command of

“ of any judge whatsoever*.” As this affair was not settled when the Council of Constance met, Petit’s scandalous doctrine was delated to the Council; and, after a full hearing of the parties, the following sentence of condemnation was passed upon it: “ The sacred Synod, solicitous to combat this error, and root it out entirely, declares and defines, that this doctrine is erroneous in faith and morals; and therefore rejects and condemns it as heretical, scandalous, and opening a door to frauds, deceit, lies, treachery, and perjury: And, moreover, declares and determines, that those who obstinately assert this most pernicious doctrine are heretics, and, as such, are to be punished according to the sacred canons†.” In this sentence, passed by the Council, two things are to be observed; first, it condemns the doctrine of King-killing by their subjects, as *erroneous in faith and morals*, as a *heretical, scandalous, and most pernicious doctrine*;

* Quilibet tyrannus potest et debet licite et meritorie occidi per quemcunque vassallum suum, vel subditum, etiam per clanculares, insidias, et subtiles blanditias, vel adulationes, non obstante quocunque præstito juramento, seu confæderatione factis cum eo, non expectata sententia vel mandato judicis cujuscunque.

† Adversus hunc errorem satagens sancta synodus exurgere, ipsumque funditus tollere, declarat et definit hujusmodi doctrinam erroneam esse in fide, et in moribus, ipsamque tanquam hæreticam, scandalosam, et ad fraudes, deceptiones, mendacia, proditiones, perjuria, vias dantem, reprobatur et condemnat. Declarat insuper et discernit quod pertinaciter doctrinam hanc asserentes sunt hæretici, et tanquam tales juxta canonicas sanctiones puniendi. A&C. Conc. Constant. Sess. 15.

and

and even though the prince should be a *tyrant of whatever kind; quilibet tyrannus*, as the condemned proposition expresses it; and in this we have a convincing proof, how much the Roman Catholics are slandered and calumniated by those who lay this pernicious doctrine to their charge; and yet how often is this done by their enemies, in this very country itself, both in books and declamations, on purpose to render them odious, and hold them up in an execrable light to the populace? In the second place, this doctrine is not only condemned as heretical in itself, but also, because, to assert it to be lawful, *notwithstanding any oath given, or agreement entered upon with the party, opens a door to frauds, deceit, lies, treachery and perjury.* And could the Council, in stronger terms, condemn all frauds, deceit, lies, treachery, and perjury, than by reprobating Petit's doctrine as heretical and scandalous, precisely because it opens a door to these impieties? What sentence would the Council pass upon these impieties themselves, if it so severely condemns what only opens a door to them? And is not breaking faith with heretics one of these impieties here condemned in general terms by the Council? To avoid the glaring light of this proof, you express yourself as follows, page 41. "But what, I pray, does the canon against Petit amount to, more than a condemnation of murder, fraud, falsehood, and perfidy *in general*? — But it says nothing against breaking faith with heretics, which is the matter *in dispute.*" Strange infatuation! When a law condemns

condemns any crime in general, does it not thereby condemn every particular case that belongs to it? When Almighty God says, *Thou shalt not commit adultery*, is there any particular kind of Adultery excepted? When he says *Thou shalt not bear false witness against thy neighbour*; does he not forbid all kinds of lies, false testimonies and perjuries, without exception? But had you given yourself time to reflect but a moment upon the doctrine condemned, you would have seen the very case you proposed included in it. For though you are pleased to add, that, “the Council had in their eye the murder of the Duke of Orleans, who in their judgment, was a Catholic, but there is not a word said of heretics;” p. 42. yet I must again take the liberty here of telling you, that this is another gross misrepresentation of the matter; for had you consulted L’Enfant upon this affair, you would have found, that as the partizans of the Dukes of Burgundy and Orleans were both exceeding powerful; and carried on their respective pleas with great warmth, the Council wisely judged proper to abstain from the particular censurable propositions of Petit, and to condemn all he had advanced upon this occasion, as necessarily included in the above general proposition, which has no respect to the murder of the Duke of Orleans in particular, but comprehends all possible cases of the kind; and accordingly, it condemns the asserting that *any tyrant whatsoever; quilibet tyrannus, may be murdered by his subjects, notwithstanding any oath given, &c.* Now,
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it will not be denied that a heretical tyrant is one of the worst of tyrants, who tyrannizes over mens consciences as well as their bodies; and it is evident, that a heretical tyrant is comprehended under the term of *quilibet tyrannus, any tyrant whatsoever*, and, consequently, in this decree, the Council expressly condemns all lies, perjuries, and breach of faith, even with heretical tyrants, as well as others. This being so evidently the case, you must surely appear in a very malignant light to every serious Christian, when you end this subject as follows: "But this Canon, which was enacted upon the particular occasion just mentioned, can never take away the force of that general decree pronounced against heretics, namely, that they may lawfully be put to death by orders of the Church in spite of a safe-conduct." For God's sake, Sir, what do you mean by such a barefaced falsehood? Where is there such a general decree as you here alledge? I challenge you, in the face of the world, to produce it, or say where it is to be found, except in your own heated imagination.

4. My fourth proof is taken from the bull of Pope Martin V. which, as you yourself acknowledge, page 42. "condemns wilful perjury on any occasion whatever, though for the sake of the faith:" yea, Sir, not only condemns it, but even makes it a term of Catholic communion to believe, *That it is not lawfull for a man to perjure himself on any account, even for the faith.* Is not this the very

reverse of what you lay to the charge of Roman Catholics? You alledge, " they think ' it lawful to betray and lie when the interest ' of their church seems to require it," page 3. and to do so, even though *bound by an oath*, page 8; and here this Pope condemns all *wilful perjury, on any occasion whatever*, even though for the sake of the faith, which is the same as the interest of the Church! Now, Sir, you knew this decree, you acknowledge its force; but wilfully shutting your eyes against its light, you endeavour to blind others also, by saying, as it were in contempt, " that it does not come up to the case in ' hand, for—it only condemns a *false oath* for ' the sake of the faith; but it says nothing ' against the breach of a *lawful oath*, when ' the interest of the Church requires it." Is it possible, that any one of common sense can be deceived by such a pitiful and childish evasion? Does not the decree condemn *all wilful perjury, on any occasion whatsoever*? And is not the breach of a *lawful oath* as real perjury as the giving a *false oath*? How unbecoming a Christian is it to rave in this manner! I pray God to pity you; for, as Mr. D——d said to you on a former occasion, " you have more need ' to be prayed for, than to be argued with."

5. A fifth proof of what the Roman Catholics believe on this subject, I take from St. Thomas of Aquin, who as we have seen above, in Quest. 40. Art. 3. of his 2. 2. which you saw and examined yourself, expressly teaches, *that it is never lawful to deceive*
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even our enemies, either by telling them a lie, or breaking our promise to them. Now, St. Thomas is indeed an eminent divine in the Roman Catholic Church, and a standard divine in their schools, who flourished two centuries before the council of Constance, and whose works are every where approved on points of religion; he is therefore a full and competent evidence of the Roman Catholic doctrine. But he is not the only approved divine who teaches so; I might bring a cloud of others to the same purpose; but as the authority I have already brought is more than sufficient to confute your calumny, I shall, instead of bringing more, make here the same challenge to you which the author of the Detection made to Dr. Campbell, and call upon you, in the face of the world, to produce any one approved divine of the Roman Catholic Communion, that teaches this damnable doctrine you lay to their charge, that they hold it lawful to break their faith to any mortal, or to lie, betray, or murder, on any account whatsoever. —“ And if you cannot (as I am sure you cannot), what idea must the discerning public form of your heart, in aspersing so numerous a body as the Roman Catholics are, in so shocking a manner; and in poisoning the hearts of your readers with the most envenomed aversion against their innocent fellow-creatures, by your shameful calumnies.” Detect. p. 44.

I might add here many other proofs of the real doctrine of Roman Catholics on this

point, both from their books and public decrees; but as what I have said is more than enough for my purpose, I shall stop here, and only refer my reader to the Detection, where he will find the purity of their doctrine proved also from their practice, in many different instances there related.

I have only to add one observation more, which is, that the decree you bring in your postscript to prove, that the Emperor was obliged to carry into execution the sentence of death pronounced by the Council of Constance against Huss, is another imposture, and gross imposition on the public; for we have evidently seen there never was such a sentence pronounced by the council; and the decree you there cite from the *Sext. Decret.* of the *Corpus Juris Canonici* (as almost all the others are in that part of the book), is nothing but a regulation made by that Pope for the Court of Inquisition, which is not of the smallest weight or authority in the generality of Catholic countries. But it was acting consistently to end your book as it began, that it might be all of a piece, a collection of falsehoods and calumnies, a gross imposition on the public, a seditious and incendiary pamphlet, composed of misrepresentations and false reasoning from beginning to end.

C O N-

C O N C L U S I O N.

It is now high time to come to an end, and I think I have left nothing in your letter unanswered; I shall therefore add only a few words more by way of conclusion. It is not unlikely but you may attempt to make a reply to this; nay, if what I hear said of you be true, that *write what I will, you are determined to stick to me like a burr*, I may expect a reply; however, that you may not wander away from the point, and weary your readers as you have done on former occasions, with unmeaning words and unintelligible declamations, I shall here take the liberty to point out to you what you *should* do, if you wish to do any thing to the purpose. I have accused your pamphlet of containing many false assertions; and have given you my reasons for so doing; now, as the proof of your charge against the Roman Catholics depends entirely upon the truth of these assertions, to make a proper reply to this letter, you must prove them to be true; I shall therefore lay before you, in one view, a list of the principal ones among them, with the pages in your pamphlet where they are to be found, that you may see at once what the public will expect from you, and I shall annex my charge of falsehood to every one of them, leaving you to wipe it off the best way you can.

1. *It is false*, That the letter of Clement VI. (p. 6.) is a deed of any weight, regard, or authority among the Roman Catholics, without which it is no way competent to prove your charge against them.

2. *It is false*, That Martinus Gilbertus is an approved divine of the Church of Rome, as you affirm, p. 9.

3. *It is false*, That Simanca is an *eminent* divine and casuist of the Romish Church, p. 9. much less an *approved* divine, p. 17. or that he is looked upon as a *divine* at all.

4. *It is false*, That the canons and decrees contained in the *Corpus Juris Canonici*, are the fixed and settled regulations of the Church, p. 8. or any thing more than a collection of all the various, opposite and contradictory regulations which have been made in different ages, in all the different countries of the Christian world, and upon an infinity of different, opposite, and contradictory exigencies, during the space of more than a thousand years.

5. *It is false*, That the decree of Gregory IX. is a fixed and settled regulation of the Church, p. 20. or that any regard is paid to it as a regulation at all, in most of Roman Catholic countries.

6. *It is false*, That the letter of Clement VI. to the King of France, though it were proved

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to be genuine, has the least concern with promises between man and man,

7. *It is false*, That the consequences drawn by Simanca and Gilbertus, from the particular laws then in force where they lived, and in the circumstances which they regard, have the smallest connection with what you pretend, where the case is widely different, where these laws have no being at all, and not one of the circumstances relating to them exist,

8. *It is false*, That the decretal of Gregory IX. proves any thing else but the existence of a particular penal law, affecting none but the subjects of that state where it exists, and when judicially proved guilty of the crime it condemns.

9. *It is false*, That the decree of Gregory VII. p. 22. and 49. has any word in it about heretics at all; or contains any thing else than a penalty legally annexed to excommunicated persons, whatever their crime be, and intended for their amendment,

10. *It is false*, That the Emperor's safe-conduct to Hufs was either sought by Hufs, or intended by the Emperor to secure Hufs from the condemnation of the Council, or from the punishment due by the laws to his crimes, if found guilty,

11. *It is false*, That the Emperor was obliged, in virtue of this safe-conduct, to secure to

to Hufs a return to Bohemia, whether guilty or not.

12. *It is false*, That the safe-conduct was violated, either by the Council, or by the Emperor, in the condemnation and punishment of Hufs.

13. *It is false*, That the safe-conduct was violated by the imprisonment of Hufs.

14. *It is false*, That the Council of Constance was guilty of a breach of faith in practice.

15. *It is false*, That the Council either had need to tamper with the Emperor's conscience, or did, in fact, tamper with it, to persuade him, that he was not obliged to keep faith with Hufs, because he was a heretic.

16. *It is false*, That this Council decreed it lawful to break faith with heretics; it evidently decreed quite the contrary.

17. *It is false*, That the imprisonment of Hufs by the Council was a daring *usurpation* of temporal jurisdiction, p. 26.

18. *It is false*, That the Council thirsted for Hufs's blood, p. 27.

19. *It is false*, That his safe-conduct had been presented to the Pope in Council, p. 27.

20. *It*

20. *It is false*, That Hufs was one of the Emperor's own subjects, p. 30.

21. *It is false*, That honour, conscience, principle, required the Council to exert their authority to save Hufs, p. 33.

22. *It is false*, That burning was the punishment of a convicted heretic, by the decretals or canon law, p. 35.

23. *It is false*, That any Popish kingdom adopted the law of burning heretics from the church, p. 35.

24. *It is false*, That the Emperor was obliged to see Hufs burned, under the penalty of being ruined in this world, and damned in the next, &c. p. 40. in the opinion of the Council.

25. *It is false*, That the decretal of Sext. Decret. is fairly cited by Dr. Grant, for proof of his being so obliged, p. 41.

26. *It is false*, That there is any decree against heretics, declaring that they may be lawfully put to death by the orders of the church, in spite of a safe-conduct, p. 43.

27. *It is false*, That the Council of Constance does not condemn breach of faith with heretics, p. 44.

28. *It is false*, That the Pope's decretals against heretics are included in the decree of the Council

Council of Trent, in favour of ecclesiastical persons and the liberties of the church, p. 45-6.

These, Sir, are the shameful falsehoods with which your pamphlet is stuffed from end to end; and upon the credit of which you have basely imposed upon the public, and endeavoured to enflame the passions of your readers against your innocent neighbours. If, therefore, you attempt a reply to what I here send you, it is incumbent on you to shew that these twenty-eight assertions are *truths*; and to show it, not by vain declamations and bold assertions, but by solid reasons, such as will satisfy the minds of the public: If you make this good you gain your point; but if not, think, Reverend Sir, in what light you must appear, both before the great God that made you, and before the whole world! But I shall not push this any further;—your own conscience will make up the rest!

I have still one thing more to add.—I have industriously avoided taking any notice of the jeers and personal reflections which you have thrown out against me, both in your printed pamphlet, and in the several letters you wrote myself on the same subject: However much you may judge it graceful to your book, or becoming your character, to make such reflections, I should think it a stain upon mine to regard them. But they give me good grounds to believe, that the virulence you express against the Roman Catholics in all this affair, rises from some other cause than a real christian

christian zeal for religion. Nor do I think it difficult to find out that cause, and it is of importance to discover it to the public, that the world may see by whom, and from what motives they have been so solemnly imposed upon. The distinguishing tenet of the religious sect you belong to, is *an attachment to the unfortunate family of Stuart, in opposition to the present establishment*; in consequence of this, you refuse all oaths of allegiance to the reigning powers; and from this your sect derives its name of *Non-jurants*. You all along imagined that the Roman Catholics were of the same political creed with yourselves, and however much you hate them in other respects, you kept in some friendship with them, considering them as a support to your party. But now, upon seeing them embrace with readiness the first opportunity they ever have had of shewing their love to their country, and their attachment to the person and government of his sacred Majesty King George, you immediately consider them as deserters of your cause, and the bitterness of your enmity towards them has no more bounds. No sooner did you hear what was going on in Parliament last spring, in their favour, than the tongues of your party were loosed against them in the most virulent manner; and you know yourself what an unchristian exclamation a B——p of your communion made upon the occasion. At the same time, understanding that I had a considerable hand in setting on foot and promoting that affair, and that my Journey to London last spring was
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solely on that account,—I, of course, became the particular object of your aversion, and the mark against which the satires of the high-flown people of your party were pointed. —You, even more intemperate than the rest, not content with private reflections, which you could not avoid making on this subject, even in your letters to myself, would expose me to the world in public, and having picked up the misapplied passages of some Catholic authors, thought you had got in them an effectual means of doing so, and insisted on a public discussion before witnesses. This not being complied with so speedily as you wished, you prepared all your arguments for the press, and had it published to the world; but, Haman-like, *you scorned to lay hands on Mordecai alone, but sought to destroy all the Jews throughout the kingdom*, Esther iii. 6. To this purpose, both in your pamphlet, and in the public prints, under the signatures of *Philaletas, Aequus, &c.* you represented the Roman Catholics in general, and their religion, at this critical time, in such odious colours, by the ordinary methods of slander and calumny, as naturally tend to excite the aversion and detestation of your readers against them: care was taken to spread your pamphlet every where, that its effects might be the more universal: and I am sorry to see that its seditious effects have already begun to appear; witness the late riot at Glasgow, where a small handful of poor innocent Roman Catholics, who had met at a friend's house to say their prayers, were so much insulted, and so inhumanly treated
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by the furious rabble, instigated to such cruelty by the impression your pamphlet had upon them. Nor is it the rabble alone who are influenced by your slanders; to what else can be attributed the many bitter speeches made in some Synods and Presbyteries, and the resolutions taken against the Roman Catholics, since your pamphlet appeared, but to the same cause? The sense of the established clergy, upon this affair well appeared in the last General Assembly; so sudden a change in such numbers of them must have had some cause, and there is no other to be found but the spreading your pamphlet among them. They could never imagine that one of your character would endeavour to impose upon the world by calumnies and misrepresentations; and it was natural for them to look upon your bold assertions as proceeding from the goodness of your cause; but they did not know the secret springs that moved you, nor the disappointed party zeal that fired your mind; otherwise they would have reflected, that all is not to be trusted that flows from so corrupted a source. However it is to be hoped, and I am fully persuaded, that there are numbers of that venerable body, who, animated by the maxims of the gospel, will not easily give way to the delusion; and perhaps even those who have been influenced by it, on seeing from this answer how the case stands, and perceiving the source from whence the delusion arose, will return to those sentiments of humanity and moderation which grace the character they bear, will pity the condition of
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the poor Catholics, who are so hardly dealt with on all hands; and perhaps, which I should not wish, may also feel an indignation rise in their breasts at the person who has used such unchristian means to stir up persecution against them; especially when they see, that the flame, enkindled by his pamphlet, tends directly to disturb the mild and prudent intentions of the legislature; who, fully convinced of the innocence of the Roman Catholics, and their tenets, and of the advantage it must be of to the nation to destroy all distinctions, and unite all parties, under one noble denomination of *Faithful subjects, firmly attached to their King and Constitution*, have begun to relax the severities of the laws against them, and to consider them in their true colours, in which they wish to be viewed, and in that character which they shall make it their constant endeavour ever to deserve.

I am,

Reverend Sir,

Your very humble Servant,

Edinburgh
Nov. 4. 1778.

G. H.

To the Rev. Mr. W. A. D.

P. S. Having just ended the above, I observed, in the Weekly Magazine of this date, a Paper signed *Erasmus* on *Religious Moderation*. As it is very much adapted to the subject of our correspondence, I shall here insert it for your perusal.

S I R,

I SINCERELY think the Roman Catholics of Great Britain are much to be pitied. For these two centuries past they have been constantly disclaiming maxims which their adversaries have charged them with; and as constantly have their adversaries renewed the charge. Their lot seems to resemble that of the fagot-maker, in the comedy, who is forced, by the repeated blows of a pair of lusty fellows, to own himself a great doctor; although poor Sganarelle knows no more of the medical science, than I do of what passes in the moon. In like manner, the Papists are so dunned with "deposing powers, papal dispensations, pardons, perjuries, breach of faith to heretics," and the like, that I should not much wonder if they, at length, acquiesced in the odious imputation; and cried out, wearied with importunity, "Even as you please, Gentlemen!"—To what purpose, indeed, should they persevere in asserting their innocence, when they are not believed? It is in vain for them to protest, and protest again, that they do not hold these doctrines. We tell them, we know better than they do; and call them hypocrites, and prevaricators, for their pains. Were it the vulgar only that were thus prejudiced against them, it would not be so surprising; the prejudices of the vulgar ought never to surprise: but that the polite, the fashionable and learned should be weak enough to give into these absurdities; and that the bar, the bench, and the pulpit should so often have re-echoed the
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the same senseless jargon, is, surely, a matter of reasonable astonishment. It gave me inconceivable pain, some years ago, to find one of our best writers, in a synod-sermon, staining his elegant and useful page with some uncharitable and unjust insinuations of that nature; and I could not keep myself from being transported with indignation, at seeing his majestic and masterly pen debased with any thing so mean as the scum of controversy. There are, also, some few indirect reflections on Popery in the celebrated Essay on Truth, which one would not have expected from the known candour of its author. But "peace to all such!" Although some inconsiderate and ungenerous expressions may have accidentally dropped from them, they are no-ways to be ranked with such unconscientious libellers as the anonymous author of the *Protestant's Resolution*, and so many others of the same kidney, who write, one would think, with a premeditated design of misrepresenting the Roman Catholic doctrine, and of rendering its professors the object of popular detestation. As they observe no rules of decorum or decency in their attacks, I shall not think myself under any obligation of treating them with much regard in my defence: so much the more, that I am pleading the cause of a harmless and injured people, who are hissed at when they but dare to mutter their own apology.

What! am I, then, the avowed advocate of *Popery*?—No, Sir, but I am, and ever will be, the avowed advocate of *Truth*,—should truth, peradventure, lie on the side of Papists—as I am, and ever will be the avowed enemy of calumny and slander, should these, unluckily, be met with on the side of Protestants. As I have lived the most part of my life in places abounding with Roman Catholics, I have had more and better opportunities of examining into their doctrines, and of observing their practices, than the

the most of Protestants can possibly have ; and I have been long fully convinced, that neither their doctrines nor their practices are such as they are commonly represented. I would not wish to be misunderstood. I do not say that no Roman Catholics have taught, much less that no Roman Catholics have practised very pernicious doctrines : the contrary is evident from incontestable monuments. There have been times of darkness and degeneracy, when the doctrine of *deposing power*, in particular, was generally taught and practised. A thousand schoolmen, the sycophants of the court of Rome, have asserted that the Pope, as Vicar of Christ, might absolve subjects from their oaths of allegiance, transfer crowns from one head to another, and dispose of kingdoms and empires, as the lord paramount of the Christian world : and there have not been wanting some aspiring pontiffs, who ventured to realize those monstrous prerogatives : But this pretended temporal supremacy of the Pope was never, even in the most unenlightened periods, acknowledged an article of Catholic faith ; and in proportion as the mists of ignorance were dispelled, it was exploded in almost every Catholic country as a dangerous, and even impious tenet. But what is exploded as an impious tenet, by the greatest part of Catholics, cannot possibly be a Catholic principle : therefore, the doctrine of *deposing power* is falsely and injuriously classed among Roman Catholic principles.

The other accusations are equally, or rather still more groundless. A few, and but a few, lax casuists in the Romish communion, have taught, that it is lawful, on some occasions, to employ pious frauds, equivocations, and mental reservations, not only for the sake of religion, but also in the common occurrences of life ; not only with heretics, but also with those of the same profession. But what was the constant fate of all those theological paradoxes ? On their very first appearance, they were exposed by Catholic

tholic divines, censured by Catholic universities, and condemned by Catholic synods; and the books, in which they were found, ordered to be burned by the hand of the common hangman.—Was there any thing in all this that gives room to conclude, that they were considered as Catholic principles? Perhaps, some bold adventurers in *probabilism* may have taken upon them to decide that “No faith is to be kept with heretics;” though I must confess I have never met with any that maintained this diabolical position: but what is that to those Roman Catholics who affirm, with one voice, that it is a “damnable maxim;” and are ready to abjure it in the same solemn manner that they abjure the devil at their baptism?

In fact, we have not heard of a single Papist in England or Ireland, who has made the least scruple to take the oath of allegiance prescribed by the late acts of their respective parliaments; although the abjuration of all the fore-mentioned obnoxious tenets be expressly contained in it; and although, as was observed by an eminent member of the House of Commons, it is far from being couched in the most delicate terms imaginable.—From this conduct of the British Catholics is deduced an argument which, I apprehend, is alone decisive of the question in debate. While they take this oath, and abjure those doctrines, they either remain in the Romish communion, or they do not. If they are supposed to remain in the Romish communion, it is evident that the maxims they so formally abnegate cannot be Romish principles. But if, by taking the oath, they cease to be Romanists,—then, surely, they cease, at the same time, to be answerable for any Romish principle whatever: so that, in any event, the charge against them is a false, malicious, unwarrantable charge.

It is to no purpose, after this, for Eumenes, and others of the like intolerant dispositions, to exclaim, that

that it is "a leading principle in the Roman Catholic religion, That it is meritorious either to deceive or destroy a heretic."—It is to no purpose for them to pick, from the history of tumultuous times, examples of fraud or cruelty practised by Papists; (were the Papists inclined to retaliate, they could, certainly, make heavy retaliations).—It is to no purpose to collect, in support of their unjust assertion, the authorities of theologues, the rescripts of Popes, or even the decrees of councils, if any such decrees there be. The Roman Catholic still will repeat, that "he believes no such doctrines;" and I see no other answer that can be returned, but that "he is a d——d lying Papist, to whose asseverations no credit is due!"—If the adversaries of popery and the abettors of persecution chuse to adopt this mode of ratiocination, much good may it do them! If not a great proof of superior judgment, it is, at least, a sufficient manifestation of superlative zeal. The populace will, I doubt not, applaud them for it; bigots will rank them among the champions of the Protestant cause, and whole synods (it may be!) will sound their praise:—But the candid, the humane, the enlightened part of the nation will view their conduct in a different light, and consider them as disturbers of the public peace, fomenters of sedition and civil discord, the professed enemies of *Religious Moderation*, and, whatever they pretend, the real enemies of their country.

And now, Sir, may I be permitted to address myself to the reverend Clergy, in a manner somewhat different from that in which they have been recently addressed.—I would, by no means, advise you, gentlemen, to "revise the popish controversy," or indeed any kind of controversy at all; because of all methods it is, perhaps, the least effectual to remove our religious differences.—I would far less advise you "to preach against popery:" you could not take a more

more proper measure to give it a credit and influence, which at present it really has not.—But I would advise you (with all due submission) “to revise” your Bibles, and “to preach” the pure, the peaceful doctrines of the Gospel of Jesus:—a Gospel that breathes nothing but meekness, mercy, and universal benevolence.—Make these godlike virtues the ordinary subject of your instructions—teach your hearers to consider all mankind, Papists even unexcepted, as their brethren. Remind them often of that pious Samaritan, “that poured his wine and his oil” into the wounds of the afflicted stranger. Tell them, if you will, that the Roman Catholics are a poor deluded people; but tell them, at the same time, that the surest means of destroying that delusion are compassion, lenity, sweetness, and, above all, a holy and exemplary life.—Be first yourselves to practise these salutary lessons; “Let your light so shine before men, that they may see your good works, and glorify your Father which is heaven!”

I am, &c.

ERASMUS.



THE END.